

CARRYOVER

LEGISLATION

**Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
Ninety-Sixth Legislature, First Session, 1999,
and Pending Before the
Ninety-Sixth Legislature, Second Session, 2000**

January 5, 2000

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

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Ninety-Sixth Legislature, First Session, 1999
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TITLES TO BILLS

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 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 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 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; Bruning, 3.

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 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 44. Introduced by Brashear, 4; Chambers, 11.

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; to require a report by law enforcement agencies; to provide for the disposition of certain forfeited money and property; 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 52. Introduced by Brashear, 4; Redfield, 12.

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 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 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 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.

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 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; Dw. Pedersen, 39; Cudaback, 36.

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 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 96. Introduced by Schellpeper, 18; Cudaback, 36; Vrtiska, 1; Matzke, 47; Coordsen, 32.

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 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; Byars, 30; Vrtiska, 1.

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 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 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; Bruning, 3; Quandahl, 31; Dw. Pedersen, 39.

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 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 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 120. Introduced by Crosby, 29; Dw. Pedersen, 39; Brown, 6; Vrtiska, 1; Price, 26.

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 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 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; Jensen, 20.

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.

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 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 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 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 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.

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.

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.

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 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 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 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 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.

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 177. Introduced by Jensen, 20; Hilgert, 7.

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 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 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; 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 1 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 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 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 204. Introduced by Schmitt, 41; Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

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 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 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 219. Introduced by Suttle, 10; Lynch, 13.

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 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 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 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 235. Introduced by Crosby, 29; Chambers, 11; Dierks, 40; Hudkins, 21; Jensen, 20; Preister, 5; Schrock, 38; Vrtiska, 1; Wehrbein, 2; Suttle, 10; Redfield, 12; Bromm, 23; Jones, 43.

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 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 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 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 249. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to counties; to authorize license and occupation taxes as prescribed.

LEGISLATIVE BILL 252. Introduced by Wehrbein, 2; Cudaback, 36.

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 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 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 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; Bruning, 3.

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, 1 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.

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; Wickersham, 49; Jensen, 20; Tyson, 19; Bruning, 3.

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 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 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 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 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.

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 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.

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 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 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; Dw. Pedersen, 39.

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 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 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.

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 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 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 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 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 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 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 352. Introduced by Crosby, 29; Lynch, 13; Dw. Pedersen, 39; Bourne, 8; Bruning, 3.

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.

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 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 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 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 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 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 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 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 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 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 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 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 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.

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 402. Introduced by Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to adopt an agricultural stewardship demonstration award program; and to provide a termination date.

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 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 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 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.

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 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 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 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 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 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.

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 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.

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 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 435. Introduced by Hudkins, 21; Bruning, 3.

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 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 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 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; Hilgert, 7.

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; Lynch, 13.

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.

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 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 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 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.

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 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 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; Bruning, 3.

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 476. Introduced by Janssen, 15; Schellpeper, 18; Hudkins, 21; Tyson, 19; Dw. Pedersen, 39; Bruning, 3; Smith, 48; Schmitt, 41; Wickersham, 49; Engel, 17; Robak, 22; Quandahl, 31.

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; Wehrbein, 2.

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 480. Introduced by Schimek, 27; Beutler, 28; Dierks, 40; Hudkins, 21; Preister, 5; Robak, 22; Stuhr, 24; Suttle, 10; Thompson, 14; Price, 26; Chambers, 11.

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 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.

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.

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 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 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 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; C. Peterson, 35.

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 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.

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 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; Dierks, 40; Schmitt, 41; Preister, 5; Byars, 30; Price, 26.

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 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.

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 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 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 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 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.

LEGISLATIVE BILL 535. Introduced by Kristensen, 37; Dw. Pedersen, 39.

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 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 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 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 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 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 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.

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 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; Robak, 22.

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 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 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 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 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 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 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 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 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.

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 595. Introduced by Wehrbein, 2; Coordsen, 32; Cudaback, 36.

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 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 601. Introduced by Raikes, 25; Jensen, 20; D. Pederson, 42; Dw. Pedersen, 39; Smith, 48.

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 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 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 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 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; Hilgert, 7.

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 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.

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 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 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 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 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 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.

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 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 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 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.

LEGISLATIVE BILL 653. Introduced by Bruning, 3; Bohlke, 33; Crosby, 29; Robak, 22; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to mentoring; to adopt the Nebraska Youth Mentoring Act; and to state intent relating to appropriations.

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 1 Revised Statutes of Nebraska; and to declare an emergency.

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.

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 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 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 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 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.

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 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 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; Bromm, 23.

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 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 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 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 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; Price, 26.

A BILL FOR AN ACT relating to state contracts; to require technology access clauses; and to provide duties.

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.

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 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 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 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 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 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 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 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 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; Preister, 5.

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 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 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.

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 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 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 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 758. Introduced by Landis, 46; Schimek, 27; Kiel, 9.

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 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 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 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 770. Introduced by Hartnett, 45; Byars, 30.

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.

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 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 785. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation wells; to provide certain restrictions.

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 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; Baker, 44; Janssen, 15.

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 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 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, 1 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 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.

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 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 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 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 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 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, 1 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 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.

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; Dw. Pedersen, 39.

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 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 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; Bromm, 23.

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; Bromm, 23.

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 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; Bruning, 3; Dw. Pedersen, 39.

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; Bruning, 3.

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 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 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 847. Introduced by Hartnett, 45; Thompson, 14; Bruning, 3.

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; Bruning, 3.

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 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 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 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 861. Introduced by Thompson, 14; Bruning, 3.

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 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 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 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 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.

CARRYOVER 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 if 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".

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".

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.

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 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."

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".

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 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".

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".

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".

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".

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".

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".

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".

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

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

To amend Article VII, section 10, and Article XIII, section 1, and repeal Article VII, sections 13 and 14:

VII-10 "The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than ~~six~~ eight nor more than ~~eight~~ sixteen regents to be designated the Board of Regents of the University of Nebraska, who shall be elected or appointed from and by districts as herein provided and ~~three~~ six students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president ~~of the~~ from each of the following campuses: The University of Nebraska at Lincoln; , the student body president of the University of Nebraska at Omaha; , and the student body president of the University of Nebraska Medical Center; the University of Nebraska at Kearney; the University of Nebraska at Wayne; and the University of Nebraska at Chadron. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The For purposes of any elected regents who are voting members, the Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively. The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

For purposes of any appointed regents, the Governor shall appoint such members. The Legislature shall determine the number of appointed members, their terms of office, and the boundaries of the districts represented which may include at large, statewide districts."

XIII-1 "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, ~~except~~ ; PROVIDED, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such

highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures. The ; ~~AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges,~~ and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

"Article VII, sections 13 and 14, of the Constitution of Nebraska are repealed."

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

"A constitutional amendment to place Chadron State College and Wayne State College within the University of Nebraska system, to change membership on the Board of Regents of the University of Nebraska, and to eliminate references to the Coordinating Commission for Postsecondary Education and the Board of Trustees of the Nebraska State Colleges from the Constitution.

For
Against".

FIRST DAY - JANUARY 5, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 5, 2000

PRAYER

The prayer was offered by Rev. Harland Johnson, Lincoln, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Sixth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:05 a.m., on Wednesday, January 5, 2000, was called to order by Speaker Kristensen.

The roll was called and the following members were present:

Aguilar, Raymond	Dierks, Merton L.	Price, Marian L.
Baker, Thomas C.	Engel, L. Patrick	Quandahl, Mark
Beutler, Chris	Hartnett, D. Paul	Raikes, Ronald E.
Bohlke, Ardyce	Hilgert, John	Redfield, Pam
Bourne, Patrick J.	Hudkins, Carol L.	Robak, Jennie
Brashear, Kermit	Janssen, Ray	Schimek, DiAnna R.
Bromm, Curt	Jensen, Jim	Schmitt, Jerry
Brown, Pam	Jones, James E.	Schrock, Ed
Bruning, Jon C.	Kiel, Shelley	Smith, Adrian
Byars, Dennis M.	Kremer, Bob	Stuhr, Elaine
Chambers, Ernie	Kristensen, Doug	Suttle, Deborah S.
Connealy, Matt	Lynch, Dan	Thompson, Nancy
Coordsen, George	Matzke, Gerald E.	Tyson, Gene
Crosby, LaVon	Pedersen, Dwite	Vrtiska, Floyd P.
Cudaback, Jim D.	Pederson, Don	Wehrbein, Roger R.
Dickey, Bob	Preister, Don	Wickersham, Bob

Senator David M. Landis was excused.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 5, 2000.

The motion prevailed with 46 ayes, 1 nay, 1 present and not voting, and 1 excused and not voting.

RESIGNATION

June 4, 1999

Honorable Governor Mike Johanns
Executive Suite
State Capitol
Lincoln, NE 68509

Dear Governor Johanns:

It is with mixed emotions that I submit my resignation as State Senator of District 35, effective today, June 4, 1999 at 5:00 P.M. I have enjoyed the opportunity of representing my constituents in the Legislature and am proud to have achieved many of the goals I established for myself upon taking office.

I am excited and honored to serve in my new position as Policy Secretary for Health and Human Services and in your administration. Thank you for your vision and foresight in allowing me to assist in achieving consistency and integration in the three agencies, impact legislation and direct initiatives in the health and human services system.

I look forward to helping formulate public policy and finding solutions to meet the health and human service needs and demands of the citizens of Nebraska.

Sincerely,
(Signed) Chris Peterson
State Senator
District 35

MESSAGE FROM THE GOVERNOR

June 9, 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 Raymond M. Aguilar to fill the vacancy in the 35th Legislative District created by the resignation of Senator Chris Peterson. 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 Raymond M. Aguilar as a member of the Senator for Legislative District #35.

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 June 9, 1999, and continue until January 3, 2001, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) Mike Johanns
Governor
(Signed) Scott Moore
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

November 29, 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 Raymond M. Aguilar, as a Member of the Legislature for the Thirty-fifth District for the unexpired term of Chris Peterson.

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 Raymond M. Aguilar has been appointed as a Member of the Nebraska Unicameral Legislature from the Thirty-fifth District for the unexpired term of Chris Peterson. The term beginning June 9, 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-ninth day of November 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, Raymond Aguilar, 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 35 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) Raymond Aguilar

Subscribed in my presence and sworn to before me this 9th day of June, 1999.

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	Bob Dickey	Appointed April 27, 1999
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	Raymond Aguilar	Appointed June 9, 1999
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

MESSAGES FROM THE GOVERNOR

June 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 appointed to the Rural Health Advisory Commission effective July 1, 1999:

APPOINTEE:

Todd Stuckey, M.D., 4600 Valley Rd Ste 200, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

June 14, 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 Environmental Quality Council:

APPOINTEE:

Robert E. Bettger, 910 Violet Box 187, Fairmont NE 68354

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

June 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 attached list of individuals have been appointed to the Nebraska Transit & Rail Advisory Council:

APPOINTEES:

Tom Wais, P O Box 94759, Lincoln NE 68509
Duane Eitel, 3505 S 31, Lincoln NE 68502
Georgia Janssen, R R 1 Box 144, Winside NE 68790
Michael Ongerth, 1416 Dodge, Omaha NE 68179
Greg Wright, 201 N 7, Lincoln NE 68501
Dave Gilfillan, P O Box 94666, Lincoln NE 68509
Roger Figard, 1001 N 6, Lincoln NE 68508
Allan Abbott, 4516 Fir Hollow La, Lincoln NE 68516
Dennis Wilson, 1819 Farnam, Omaha NE 68183
Paul Mullen, 2222 Cuming St, Omaha NE 68102
Ann Boyle, P O Box 94927, Lincoln NE 68509

The attached names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

June 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 Rural Health Advisory Commission:

APPOINTEE:

Lisa Yank, 1205 Summit, Sidney NE 69162

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

July 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 Beginning Farmer Board:

APPOINTEES:

Roy Frederick, 6420 Ponderosa, Lincoln NE 68510
Dale Pohlmann, 301 W Sherman, Ravenna NE 68869
Gerald Timmerman, 18701 Platteview Rd, Springfield NE 68059
Bill Zutavern, P O Box 158, Dunning NE 68833
Harry Knobbe, 595 15th Rd, West Point NE 68788

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

July 28, 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:

Rhonda Flower, 730 18th Street, Gering NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

August 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 appointed to the Foster Care Review Board:

APPOINTEE:

Barbara Heckman, 702 W Lakeshore Dr, Lincoln NE 68528

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

August 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 appointed to the State Personnel Board:

APPOINTEE:

Samuel F. Seever, 6425 Lone Tree Dr, Lincoln NE 68512

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 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 reappointed to the Nebraska Investment Council:

APPOINTEE:

Greg Stine, 2215 Stage Coach Rd, Grand Island NE 68801

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 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 reappointed to the Board of Educational Lands & Funds:

APPOINTEE:

M. Jane Keller, HC 88 Box 30, Bassett NE 68714

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 16, 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 Commission on Compulsive Gambling:

APPOINTEE:

Thomas L. Nutt, 1418 8th Ave, Holdrege NE 68949

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 20, 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 Nebraska Ethanol Board:

APPOINTEES:

Lee Grove, R R 1 Box 60, Superior NE 68978
Dave Hilferty, 512 Mitchem Ave, Grant NE 69140

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 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 individuals have been appointed to the Volunteer Service Award Benefit Review Board:

APPOINTEES:

Charles Carson, 1623 Willow St, Dakota City NE 67631
Clarence Schweitzer, 9205 W Rock Creek Rd, Valparaiso NE 68065
Robert Tichota, 1767 Colfax, Blair NE 68008
Tim Wessling, 9909 S 9 Ave, Bellevue NE 68123
David Wees, 7408 S 46 Ave, Omaha NE 68157
Travis Mayer, 346 Glenmore Dr, Gretna NE 68028
Keith Wood, HC 64 Box 47, Benkelman NE 69021
Nicholas Ross, R R 1 Box 145, Madrid NE 69150
James Templar, 1795 21st St, Gering NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

September 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 individuals have been appointed to the State Emergency Response Commission:

APPOINTEES:

*Christine Bleich, 1062 Y, Lincoln NE 68508
Steve Wood, 2840 Loveland Dr, Lincoln NE 68502

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

September 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 individuals have been reappointed to the State Board of Health:

APPOINTEES:

*James Schiefen, 710 W 5th, Imperial NE 69033
*Linda Lazure, 2321 Country Club Ave, Omaha NE 68104
Samuel Augustine, 9514 Grover St, Omaha NE 68124
David Hoover, 245 S 117th Ave, Omaha NE 68154
Jeffrey Akerson, 2423 Deaver Dr, Sidney NE 69162

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointments

September 28, 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 Arts Council:

APPOINTEES:

R. Paul Sjulín, 872 N Lakeshore, Lincoln NE 68528
Robert Wolfe, 38 Eastridge Dr S, York NE 68467
Thompson Rogers, 9821 Nottingham Dr, Omaha NE 68114
Meredith Zutavern, Box 158 Dismal River Rd, Dunning NE 68833
*Fred Teller, 1520 Crestmoor Dr, Hastings NE 68901

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

October 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 individual has been appointed as Director of Motor Vehicles:

APPOINTEE:
Beverly Neth, 1300 Idylwild Dr, Lincoln NE 68503

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

October 6, 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 as members of the State Highway Commission:

APPOINTEES:
*John Kingsbury, 220 Rock St, Ponca NE 68770
*Duane Acklie, P O Box 81228, Lincoln NE 68528
Greg Wolford, 702 Airport Rd, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

October 6, 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 as members of the Board of Emergency Medical Services:

APPOINTEES:

Randall Datus, 1207 E 5th, McCook NE 69001
*Chris Becker, R R 1 Box 1A, Alma NE 68920
*Michael Grutsch, P O Box 823, Oxford NE 68967
*Gerald Matzke, 1423 N 8th, Seward NE 68434
*Bruce Beins, R R 1 Box 60A, Republican City NE 68971

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

October 6, 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 as members of the State Electrical Board:

APPOINTEES:

*James Dietz, 1911 23rd St, Auburn NE 68305

*Riley George, 303 Cherokee Rd, Lexington NE 68850

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

October 7, 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 a member of the Board of Parole:

APPOINTEE:
Mike Gomez, 240 Lakewood Dr, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

October 12, 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 a member of the Game and Parks Commission:

APPOINTEE:

Randall Stinnette, R R 1 Box 24, Inland NE 68954

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

October 28, 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 as members of the State Emergency Response Commission:

APPOINTEES:

Rick Kuckkahn, 505 W 40, Scottsbluff NE 69361
Mark Reimers, 6631 S 107 Cr, Omaha NE 68127

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

October 28, 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 as members of the Board of Public Roads Classifications and Standards:

APPOINTEES:

Timothy Schram, 14602 S 234, Gretna NE 68028
Richard Ruby, 3121 Williamsburg Dr, Lincoln NE 68516
*James Bauer, 309 Morton Dr, Beatrice NE 68310
*Henry Thieman, P O Box 84, Petersburg NE 68652
*James Anderson, 1721 4th Ave, Kearney NE 68847
*Darold Tagge, P O Box 23, Holdrege NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

November 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 individual has been appointed as member of the Nebraska Highway Commission:

APPOINTEE:
Jerome Fagerland, HC 69 Box 92, Atkinson NE 68713

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

November 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 a member of the Board of Public Roads Classifications & Standards:

APPOINTEE:

Henry Vieregger, 10628 Decatur St, Omaha NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

November 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 a member of the State Emergency Response Commission:

APPOINTEE:

Kim Herald, 1010 W 22, Kearney NE 68847

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

November 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 individuals have been appointed as members of the Crime Victims Reparation Committee:

APPOINTEES:

*Scot Ford, 1505 G, South Sioux City NE 68776

William Brueggemann, 809 1st Ave, Plattsmouth NE 68048

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

December 29, 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 as members of the Public Employees Retirement Board:

APPOINTEES:

Daniel Contonis, 907 Cheyenne Ave, Alliance NE 69301

Rick Black, Box 27, Murray NE 68409

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

December 29, 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 as members of the Commission of Industrial Relations:

APPOINTEES:

G. Pete Burger, R R 4 Box 194, McCook NE 69001
William Blake, 6601 Park Crest Dr, Lincoln NE 68506

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

December 29, 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 a member of the Tax Equalization & Review Commission:

APPOINTEE:

Mark Reynolds, 2102 Franklin Dr, Papillion NE 68133

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

December 29, 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 a member of the Game and Parks Commission:

APPOINTEE:

Marvin Westcott, 1605 Arthur Dr, Holdrege NE 68949

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

ATTORNEY GENERAL'S OPINIONSOpinion #99031

DATE: July 21, 1999

SUBJECT: Necessity of Appropriation for Board of Educational
Lands and Funds

REQUESTED BY: Senator Tom Baker, Legislative District 44

WRITTEN BY: Don Stenberg, Attorney General
Mark D. Starr, Assistant Attorney General

You have asked whether the Legislature has the authority to appropriate funds for the operation and administration of the Board of Educational Lands and Funds. Contact with your office for clarification reveals some desire to use the appropriation process to exert additional control over the Board, there being some concern about the Board's current operation.

To the extent you are referring to funds derived from taxation, the answer is "yes." "Each Legislature shall make appropriations for the expenses of the Government...." Neb. Const. Art. III, Section 22. And "[n]o money shall be drawn from the treasury except in pursuance of a specific appropriation made by law." Neb. Const. Art. III, Section 25. The Court referred to these provisions in *Board of Regents v. Exon*, 199 Neb. 146, 256 N.W.2d 330 (1977), stating:

The expenditure of the general funds of the state is under the control of the Legislature and it is the duty and responsibility of the Legislature to make the appropriations necessary for the operation of state government.

Id. at 150-51, 256 N.W.2d at 333.

But the Legislature's responsibility, and hence control, over funds derived from the Board's administration of school lands is more limited, as discussed in 1977-78 Rep. Att'y Gen. 379, Opinion No. 249, dated April 24, 1978, 1977-78 Rep. Att'y Gen. 372, Opinion No. 256, dated June 23, 1978, Op. Att'y Gen. No.

250 (April 7, 1982) and Op. Att'y Gen. No. 178 (January 17, 1984). *See also* Op. Att'y Gen. No. 91052 (June 5, 1991).

In the April 1978 opinion it was concluded that Article VII, Section 9, of the state constitution, a provision which directs that certain funds be used exclusively for the support and maintenance of the common schools, "fully and completely sets apart and appropriates the income from the unsold school lands for specific purposes and no appropriation of such income by the Legislature is necessary." The author also opined that the income from unsold school lands is held in trust and is not susceptible to appropriation for general governmental purposes, observing that "the Constitution contains no authority for the Legislature to prescribe the duties and powers of the Board of Educational Lands and Funds" as administrator of these trust funds.

The latter conclusion was rooted in *Board of Regents of the University of Nebraska v. Exon*, 199 Neb. 146, 256 N.W.2d 330 (1977), a case which noted the constitutional source of the authority held by the Board of Regents, acknowledged the intent to vest that body with substantial independence from legislative control, and distinguished between funds derived from taxation and those coming from other sources like tuition or donations. The legislature has control of the former but the Board has control of the latter in its capacity as trustee, it was held. The positions of the Board of Regents and the Board of Educational Lands and Funds are obviously similar with respect to the funds over which they have oversight. Compare Neb. Const., Art. VII, Sec. 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 nor more than eight regents to be designated the Board of Regents of the University of Nebraska....") with Neb. Const., Art. VII, Sec. 6 ("The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds."). We believe the case remains a useful guide. Therein the court held that the phrase, "under the direction of the Legislature," referred to enabling legislation which vested the general governance of the University in the Board, not to directions for the governance of the University. Accordingly, the Legislature would have an obligation to enact statutes vesting the management of school lands in the Board of Educational Lands, but the responsibility for the management would then rest in the Board.

Even if one does not accept the view that Article VII, Section 9 of the Nebraska Constitution contains a self-executing appropriation to the Board, the Legislature has limited power over the purse strings when it comes to constitutionally created entities such as the Board of Educational Lands and Funds, as evidenced by the following language from the *Board of Regents* case:

The Legislature can not use an appropriation bill to usurp the powers or duties of the Board of Regents and to give directions to the employees of the University. The general government of the University must remain vested in the Board of Regents. In prescribing the powers and duties of

the Regents a legislative act must not be so detailed and specific in nature as to eliminate all discretion and authority on the part of the Regents as to how a duty shall be performed.

199 Neb. at 149, 256 N.W.2d at 333.

The June 1978 opinion concluded that a bill which limited increases in the State's annual budget did not apply to trust funds held by entities such as the Board of Educational Lands and Funds.

The 1982 opinion addressed a statute which gave the Transportation Services Bureau authority over purchases of all state vehicles. The opinion concluded that this did not apply to the Board of Educational Lands and Funds, due to its trust responsibility.

The 1984 opinion involved a similar question. This office was asked whether a statute requiring pre-approval by Central Data Processing of computer upgrades applied to the Board of Educational Lands and Funds. And the answer given was the same. The legislature could not delegate the Board's constitutionally vested powers and duties by such a statute.

To summarize, we believe the Legislature does have power to make appropriations for the operation and administration of the Board of Educational Lands and Funds. But that power probably does not extend to funds derived from the administration of school lands. Further, to the extent the Legislature does have power to direct the use of funds it appropriates for the operation and administration of the Board, it may only do so in broad brush strokes. It cannot employ the appropriation process to usurp the authority constitutionally delegated to the Board.

Sincerely,
Don Stenberg
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

pc: Mr. Patrick O'Donnell
Clerk of the Legislature
26-92-10.2

Opinion #99037

DATE: August 5, 1999

SUBJECT: Constitutionality of LB 452, introduced in the 1999 regular session. Whether it violates the prohibitions regarding the Legislature's binding of future Legislatures, and the incurring of state indebtedness exceeding one hundred thousand dollars in the aggregate.

REQUESTED BY: Senator David M. Landis

WRITTEN BY: Don Stenberg, Attorney General
Charlotte R. Koranda, Assistant Attorney General

This opinion is written in response to your request for an opinion regarding the constitutionality of LB 452, introduced in the 1999 regular session and currently pending in the Education Committee.

You have asked two questions. You asked whether section 7 of LB 452 would violate the Nebraska Constitution's prohibition regarding the Legislature's binding of future Legislatures. Second, you asked whether LB 452 would violate the Nebraska Constitution's prohibition regarding the incurring of state indebtedness as provided in Article XIII, § 1.

LB 452

LB 452 consists of ten sections. The Legislature's public interest goal is to enhance the credit ratings on bonds issued by Nebraska school districts, which would reduce the interest costs on the bonds and therefore reduce the amount paid by the local taxpayers. The credit ratings on the bonds would be enhanced through a guarantee that the State Treasurer would make any bond payments not made by the school district. Under the bill, a paying agent who had not received a school bond payment by one business day prior to its due date, would be required to notify the State Treasurer. The State Treasurer would make the bond payment upon a determination that the school district would not make the payment by its due date, and would withhold the same amount from the next payment or payments of state aid due to the school district. In section 7, the State covenants with the purchasers and owners of bonds that it will not repeal, revoke, rescind, modify or amend LB 452 so as to limit or impair the rights and remedies granted therein. The last section of LB 452 provides that if any other section is declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining portions.

Legislature's Binding of Future Legislatures

The issue of one legislature binding or restricting future legislatures was first addressed by the Nebraska Supreme Court in *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 544 N.W.2d 344 (1996). In that case the Legislature enacted a law (LB 507) which placed requirements on certain types of future legislation. If legislation was projected to increase total inmate population in Nebraska, then it was required to include cost-estimate provisions and a separate appropriations bill had to be enacted in the same legislative session. Any applicable legislation which did not contain these requirements would be null and void.

The Nebraska Supreme Court found that LB 507 violated Neb. Const. art. III, §§ 1, 13, and 14 by attempting to restrict the constitutional power of a succeeding legislature to legislate. Article III, § 1 provides, in relevant part:

[T]he 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, and to enact or reject the same at the polls, independent of the Legislature.

Article III, § 13 provides, in relevant part:

No bill shall be passed by the Legislature unless by the assent of a majority of all members elected and the yeas and nays on the question of final passage of any bill shall be entered upon the journal.

Article III, § 14 provides, in relevant part:

No bill shall contain more than one subject . . . 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.

The supreme court based its decision on the Legislature's plenary authority to enact laws for the accomplishment of any public purpose not restricted by the Constitution.

In Nebraska, the proposition that one legislature cannot bind a succeeding legislature is derived from the constitutional power of the Legislature to legislate. The Legislature has plenary legislative authority except as limited by the state and federal Constitutions . . . The Nebraska Constitution is not a grant, but, rather, is a restriction on legislative power, and the Legislature may legislate upon any subject not inhibited by the Constitution . . . Therefore, absent a constitutional restriction on the legislative power, one legislature cannot restrict or limit the right of a succeeding legislature to exercise the power of legislation.

State ex rel. Stenberg, 249 Neb. at 595, 544 N.W.2d at 349.

Section 7 of LB 452, in relevant part, states as follows:

The state hereby covenants with the purchasers and owners of bonds and other obligations issued by school districts that it will not repeal, revoke, or rescind sections 1 to 9 of this act or modify or amend such sections so as to limit or impair the rights and remedies granted by such sections. . . .

It is our opinion that section 7 of LB 452 violates the Nebraska Constitution by restricting the constitutional power of a succeeding legislature to repeal, revoke, rescind, modify or amend LB 452. The Constitution has not restricted the right of the Legislature from legislating on the subject matter contained in LB 452. The current Legislature does not have the authority to restrict or limit the right of succeeding legislatures to exercise the power of legislation on the subject matter contained in LB 452. "The authority of the legislature is limited to the period of its own existence. One general assembly cannot bind a future one." *State ex rel. Stenberg*, 249 Neb. at 594, 544 N.W.2d at 348 (citation

omitted).

"The general rule is set out in 82 C.J.S. *Statutes* § 9 at 24-25 (1953):

'One legislature cannot bind a succeeding legislature or restrict or limit the power of its successors to enact legislation, except as to valid contracts entered into by it, and as to rights which have actually vested under its acts, and no action by one branch of the legislature can bind a subsequent session of the same branch. . . .'

State ex rel. Stenberg, 249 Neb. at 593, 544 N.W.2d at 348.

State Indebtedness in Excess of \$100,000

Article XIII, § 1 of the Nebraska Constitution generally prohibits the state from incurring a debt exceeding of one hundred thousand dollars in the aggregate.

The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid; . . .

Neb. Const. art. XIII, § 1.

We have indicated previously that the term "debts," for purposes of Article XIII, § 1, may be defined as "any financial obligations contracted by the State in amounts exceeding one hundred thousand dollars to be repaid in future periods for which a current appropriation of funds has not been made." Op. Att'y Gen. No. 93071 (Sept. 1, 1993).

" 'One purpose of the constitutional limitation upon state indebtedness is to prevent the anticipation of revenue by the creation of obligations to be paid from revenue to be received in future fiscal periods . . . Obligations which are to be paid from revenue subject to appropriation by future Legislatures are subject to the state debt limitation provision.' " *State ex rel. Douglas v. Thone*, 204 Neb. 836, 849, 286 N.W.2d 249, 255 (1979) (citing *State ex rel. Meyer v. Steen*, 183 Neb. 297, 160 N.W.2d 164 (1968)).

"The general rule is that an obligation for which an appropriation is made at the time of its creation from funds already in existence, or for which definite provision has been made, is not within the operation of a limitation of indebtedness provision . . . However, a declaration of the Legislature for which money will or may in the future be expended is not an appropriation." *State ex rel. Douglas*, 204 Neb. at 850-51, 286 N.W.2d at ..

Sections 4 and 7 of LB 452 are pertinent to the issue of state indebtedness. Section 4 states as follows:

If the [school] district indicates that it will not make the payment by the date on which it is due, the State Treasurer shall forward the amount in immediately available funds necessary to make the payment of the principal of or interest on the bonds or other obligations of the school district to the paying agent and shall withhold such amount from the next succeeding payment of state aid pursuant to the Tax Equity and Educational Opportunities Support Act. If the amount of such next succeeding payment is insufficient to pay the amount necessary, the State Treasurer shall withhold amounts from each succeeding payment of state aid under the act, including payments to be made in succeeding fiscal years but not more than twelve months' worth of payments, until the total payment of principal and interest has been withheld. A school district which does not receive any state aid under the act does not qualify for state assistance in making timely payment of its bond or other obligations under sections 1 to 9 of this act.

Section 7 of LB 452, in relevant part, states as follows:

[T]his section does not require the state to continue the payment of state aid to any school district or limit or prohibit the state from repealing, amending, or modifying any law relating to the amount of state aid to schools or the manner or timing of payment. Sections 1 to 9 of this act do not create a debt of the state with respect to such bonds or other obligations within the meaning of the Constitution of Nebraska and do not create any liability except to the extent provided in such sections.

LB 452 obligates the state to make a school district's bond payment upon a determination that the school district will not make the payment by the date on which it is due. No money is appropriated for this purpose. Section 4 requires the State Treasurer to use "immediately available funds," and the bill includes requirements for payments in succeeding fiscal years. Since there is no cap on the state's obligation to make a school district's bond payment, and the state is limited to withholding not more than twelve months' worth of state aid due to that school district, it is possible that the state may not recover all it has expended. Debt exceeding one hundred thousand dollars in the aggregate for which a current appropriation of funds has not been made violates Article XIII, § 1 of the Nebraska Constitution. Therefore, we believe this portion of LB 452 violates Article XIII, § 1 notwithstanding the language of section 7.

One could argue that the state has appropriated funds for this purpose through the appropriation of state aid pursuant to the Tax Equity and Educational Opportunities Support Act (TEEOSA). However, the language in section 4 of LB 452 indicates that the state aid appropriated to the school may be insufficient to cover the bond payment, and authorizes the State Treasurer to withhold TEEOSA payments from future fiscal years, up to twelve months' worth of payments. Therefore, even if one concludes that the state has

appropriated funds to cover a bond payment through TEEOSA appropriations, LB 452 obligates the state to pay a school district's bond payment even when appropriated TEEOSA funds are insufficient to cover the bond payment.

Even though the state is not the primary obligor of the bonds, a secondary or contingent obligation is still subject to Neb. Const. art. XIII, § 1.

The state is not to be the primary obligor on the bonds. However, previous opinions of this court, as well as the opinions of other courts which have had occasion to consider the question, make it very clear that even though the obligation of the state may be secondary or contingent, the obligation is nonetheless a debt within the meaning of Article XIII, section 1, Nebraska Constitution.

State ex rel. Douglas, 204 Neb. at 846, 286 N.W.2d at 254.

In your letter requesting an Attorney General's opinion, you asked us to address any other constitutional issues which deserve attention. In the course of our review we have found no other constitutional violations of LB 452.

Sincerely yours,
 DON STENBERG
 Attorney General
 (Signed) Charlotte R. Koranda
 Assistant Attorney General

42-68-10.1

Opinion #99041

DATE: September 16, 1999

SUBJECT: Whether volunteer firefighters are entitled to benefits under Neb. Rev. Stat. § 48-115(3), if they incur injuries while responding to a call, but before they have vacated the premises where they received the call.

REQUESTED BY: Senator Carol Hudkins
 District 21

WRITTEN BY: Don Stenberg, Attorney General
 Lisa D. Martin-Price, Assistant Attorney General

You have requested an Attorney General's Opinion concerning the language of Neb. Rev. Stat. § 48-115(3), as it pertains to volunteer firefighters who are injured while responding to calls. Specifically, you ask whether additional legislation is needed to clarify its meaning.

Under the Nebraska Workers' Compensation Act, Neb. Rev. Stat., § 48-101, et. seq., employees are entitled to benefits when they incur injuries arising out

of, and in the course of their duties. However, a general principle of workers' compensation law, known as the going and coming rule, provides that employees are not entitled to benefits for injuries suffered while traveling to and from work, subject to some exceptions.¹ One of these exceptions includes coverage for police officers and firefighters who are considered "on call" at all times. See 1 Arthur Larson & Lex K. Larson, *Larson's Workers' Compensation Law*, § 14.05[7] (1999); *Estate of Soupene v. Lignitz*, 960 P.2d 205, (Kan. 1998). In Nebraska, the Legislature has enacted a statute codifying this exception to the going and coming rule as it relates to volunteer firefighters. The statute, in pertinent part, states that volunteer firefighters:

[S]hall 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 activities that the volunteer firefighters may be directed to do by the chief of the fire department or some other person authorized to act for such chief.

Neb. Rev. Stat. § 48-115(3) (Laws 1999, LB 216 §1).

You requested an interpretation of this statute, specifically with regard to the phrase "when traveling from any place from which they have been called," stating that a dispute has arisen about its exact meaning. Specifically, you state that some insurance companies and lawyers have interpreted the phrase "any place" to mean the premises where the firefighter receives the call. Under this interpretation, a firefighter would not be protected until he or she actually leaves the premises and begins traveling to the other location to which he or she has been called, and would not be entitled to benefits for injuries sustained before such time. For example, a firefighter who receives a call at home and falls down the stairs while responding to the call, would not be protected under this interpretation, but the same firefighter would be protected for injuries sustained in a car accident upon immediately leaving his or her driveway.

In considering whether or not the terms of the statute need to be construed, the Nebraska Supreme Court has said that statutory language should be given its plain and ordinary meaning, and construction should not be employed to ascertain a statute's meaning when the words are plain, direct, and unambiguous. *Kimball v. Dept. of Motor Vehicles*, 255 Neb. 430, 568 N.W.2d 439 (1998). However, where words are reasonably ambiguous, or interpretation is required, a statute may be subject to construction. *Id.* The process by which statutes are construed was recently discussed by the Nebraska Court of Appeals in its opinion in *McDaneld v. Fischer*, 8 Neb. App. 160, 589 N.W.2d 172, (1999), where the Court said:

When construing a statute, a court must determine and give effect to the purpose and intent of the Legislature as ascertained from the entire language of the statute, it being the court's duty to discover, if possible, the Legislature's intent from the language of the statute itself. See *In re*

Interest of M.J.B., 242 Neb. 671, 496 N.W.2d 495 (1993). However, the law is that when statutory language is ambiguous and must be construed, recourse should be had to the legislative history to determine the lawmaker's intent. *Pearson v. Lincoln Telephone Co.*, 2 Neb. App. 703, 513 N.W.2d 361 (1994).

McDaneld v. Fischer, 8 Neb. App. 160, 165, 589 N.W.2d 172, 176, (1999).

In this case, the statute is subject to construction because of the ambiguity of one of its key terms. On the one hand, the term "traveling" is unambiguous, as the word "travel" simply means "[t]o go from one place to another at a distance; to journey." *Black's Law Dictionary*, 5th Ed. (1979). While on the other hand, the term "place" "is a very indefinite term," *Black's Law Dictionary*, 5th Ed. (1979), and, ". . . in legal parlance, it is equally indefinite and the extent of the locality designated by it must generally be determined by the connection in which it is used." *Petition of Christensen*, 231 P.2d 152, 154, 104 Cal. App. 2d 375 (1951). Furthermore, depending on the context in which the term is used, it "may, or may not, signify a specific point." *Geruld v. American Cas. Co. of Reading, Pa.*, 249 F. Supp. 355, 357 (D.C.N.C. 1966).

As stated above, when construing a statute, the intent and purpose of the Legislature must be given effect, and, when necessary, the legislative history of the act in question may be examined. *McDaneld v. Fischer*, 8 Neb. App. 160, 165, 589 N.W.2d 172, 176 (1999); *Southern Neb. Rural P.P. Dist. v. Nebraska Electric*, 249 Neb. 913, 546 N.W.2d 315 (1996). In this case, the relevant language was added to the Nebraska Workers' Compensation Act in 1963 following the passage of LB 366. Upon examination of the legislative history of the Act, the Legislature's intentions are clear. The Introducer's Statement of Purpose states that the purpose of the statute was to protect firefighters from "the time the fire alarm is sounded," meaning that firefighters should be protected under the Workers' Compensation Act from the moment they begin traveling from the place, or more specifically, the point where they received the call to wherever they are required to go. Thus, in the previous example, the firefighter who receives a call while at home and falls down the stairs while responding to that call, would be entitled to workers' compensation benefits under the Act.

In sum, while adding additional language to the statute to clarify its meaning certainly would be a viable option, it is probably unnecessary in this case where a simple inquiry into the legislative history of the Act reveals its intended meaning.

¹For further information on the nature and scope of the going and coming rule and its exceptions, See 1 Arthur Larson & Lex K. Larson, *Larson's Workers' Compensation Law*, §§ 13.01-17.06, (1999).

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Lisa D. Martin-Price
Assistant Attorney General

pc: Patrick O'Donnell, Clerk of the Legislature
18-28-18

Opinion #99048

DATE: November 15, 1999

SUBJECT: Proposed amendment to LB 523, the Nurse Licensure Compact

REQUESTED BY: Deborah S. Suttle, Senator
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
James D. Smith, Assistant Attorney General

OPINION REQUEST:

LB 523, also known as the Nurse Licensure Compact, is pending on General File in the Unicameral. On April 5, 1999, we issued opinion # 99014 that LB 523 would likely constitute an impermissible delegation of legislative power.

Your opinion request submitted a list of proposed amendments which you described as enabling language. You noted that proposed Amendment #5 is intended to address the issue of unconstitutional delegation of legislative authority. Proposed Amendment #5 states as follows:

After the effective date of this legislation, the Department may withdraw this state from the Nurse Licensure Compact if the Department becomes aware that a state that is a party to the compact has changed that state's requirements for licensing a nurse and that the state's requirements, as changed, are substantially lower than the requirements for licensing a nurse in this state.

As we understand your opinion request, you wish us to review the Proposed Amendment #5 to determine if it resolves our prior opinion that the Nurse Licensure Compact constitutes an unconstitutional delegation of legislative authority.

CONCLUSIONS:

1. Proposed Amendment #5 creates an added problem of unconstitutional delegation of legislative authority by delegating to an administrative agency what amounts to the authority to repeal the Nurse Licensure Compact.

2. Proposed Amendment #5 contradicts the withdrawal provisions of the Nurse Licensure Compact [Article X(a)], which provide that a "party state may withdraw from this compact by enacting a statute repealing the same"
3. Proposed Amendment #5 creates the potential for considerable uncertainty for any future issues related to withdrawal from the Compact because of its unconstitutional nature and contradiction with the remaining Compact language.
4. The nature of an interstate compact presumes party states have enacted substantially the same compact language. Contradictions in compact withdrawal statutes among party states are contrary to the entire concept of an interstate compact.
5. One way to address a concern about an unconstitutional delegation of legislative authority would be by an amendment to LB 523 requiring the Department to determine whether a party state's qualifications for nursing licenses are the substantial equivalent of Nebraska's minimum qualifications. Such a determination could be made a prerequisite to Nebraska's recognition of home state licenses issued by each party state.

ANALYSIS:

Overview of LB 523, the Nurse Licensure Compact:

LB 523, hereafter referred to as the Nurse Licensure Compact, could accurately be described as model legislation providing for information sharing and reciprocity among party states concerning the practice of nursing. It is our understanding the compact language has been enacted by the states of Arkansas, Maryland, North Carolina, Texas, and Utah. The model compact language is a product of the efforts of the National Council of State Boards of Nursing, a nonprofit entity whose membership consists of the boards of nursing of all 50 states, the District of Columbia, and five United States territories.

The Nurse Licensure Compact allows a nurse licensed in her "home state" to practice nursing in other compact party states by party state recognition of the home state license. A "home state" is defined as "the party state which is the nurse's primary state of residence". A nurse can hold a license in only one party state at a time, which is to be the license issued by the home state. A nurse who intends to change her primary state of residence is to apply for licensure in the new home state. A nurse seeking a license in her home state must meet the home state's qualifications for a license and license renewal.

Under the Nurse Licensure Compact, a nurse must comply with the nursing practice laws applicable to the state where the patient is located at the time care is provided. The home state can discipline the nurse's license. In addition, any party state can take action against a nurse's privilege to practice nursing in a party state. Disciplinary action by the home state or adverse action by a party

state can be based upon factual findings of the nursing regulatory body in the home or party states.

The Nurse Licensure Compact also has provisions for reporting and sharing investigative, disciplinary, and adverse action information among the party states as well as other information sharing provisions. Finally, there are provisions which permit any party state to unilaterally withdraw from the Compact by legislative enactment to take effect six months after notice of withdrawal. There are no penalty provisions for withdrawal.

Proposed Amendment #5:

The power to repeal legislation is vested in the legislature. *State of Nebraska ex rel. Stenberg v. Moore*, 249 Neb. 589, 544 N.W.2d 344 (1996). The legislature cannot delegate its power to repeal prior legislative acts. *Nahlen v. Woods*, 504 S.W.2d 749 (Ark. 1974).

Proposed Amendment #5 would give the Nebraska Department of Health and Human Services Regulation and Licensure ("Department") the power to withdraw the State of Nebraska from the compact, which would have the same effect as repealing the Nurse Licensure Compact. Thus, Proposed Amendment #5 would be an unconstitutional delegation of the legislature's power.

In addition, Proposed Amendment #5 conflicts with Article X(a) of the Nurse Licensure Compact, which states as follows:

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

The contradiction between Proposed Amendment #5 and Article X(a) is obvious and would create considerable uncertainty in the event Nebraska should ever desire to withdraw from the Nurse Licensure Compact after enactment. Scenarios could arise such as the Department purporting to withdraw Nebraska from the compact without a specific repeal of the compact by the legislature, uncertainty as to whether a compact even exists among "party states" on the issue of how to withdraw, and other party states questioning whether a withdrawal has occurred, all of which can only create general confusion as to who can legally practice nursing in Nebraska.

Our prior Opinion # 99104 - the Unconstitutional Delegation of Legislative Authority:

Our prior Opinion # 99104, dated April 5, 1999, was in response to your request to review the constitutionality of the Nurse Licensure Compact in connection with Kansas Attorney General Opinion No. 99-3. The Kansas Attorney General's opinion [sic] concluded that the Nurse Licensure Compact would be an unconstitutional delegation of legislative authority. We agreed

with the Kansas Attorney General and also concluded that the Nurse Licensure Compact would unconstitutionally delegate legislative power by purporting to allow the legislatures of other states to establish qualifications for nurses practicing in Nebraska.

Although we normally do not suggest methods for amending legislation to resolve constitutionality concerns, your opinion request notes you are eager to proceed with legislation to enact the Nurse Licensure Compact. In order to assist you and avoid the need for repeated opinion requests on proposed amendments, we make the suggestion that you consider an amendment to LB 523 requiring the Department to determine whether a party state's qualifications for a nursing license are the substantial equivalent of Nebraska's minimum qualifications. The amendment would make such a determination a prerequisite for Nebraska's recognition of home state licenses issued by each party state.

Neb. Rev. Stat. § 71-1,132.15 currently provides for the Department to issue a nursing license by endorsement to a nurse licensed in another state upon a Department determination that the nurse meets the qualifications required of a nurse in this state. There are other examples of substantial equivalency provisions. See, Neb. Rev. Stat. § 44-501(6) (Department of Insurance authority to make determinations whether fire insurance provisions are the "substantial equivalent of the minimum provisions of the standard policy" required by Nebraska); Neb. Rev. Stat. § 71-5189 (Department of Health and Human Services Regulation and Licensure may issue certificates to out-of-hospital emergency care providers holding licenses from another jurisdiction upon Department and board determination that other state licensing standards are the "substantial equivalent" of Nebraska's); Neb. Rev. Stat. § 64-204 (Notary public acknowledgments accepted which contain certifying language which is the "substantial equivalent" of Nebraska's certifying language). Nebraska's Uniform Licensing Law also allows for the licensing of health professionals licensed in other states upon the Department and/or professional boards making determinations whether out of state licensing requirements are "comparable" to Nebraska's requirements. See, Neb. Rev. Stat. §§ 71-139 and 71-139.01.

Sincerely,
DON STENBERG
Attorney General
(Signed) James D. Smith
Assistant Attorney General

31-558-13

Opinion #00001

DATE: January 3, 2000

SUBJECT: Constitutionality of Proposed Legislation Authorizing
the Prosecution of Traffic Light Signal Violations Based

on Intersection Cameras

REQUESTED BY: Senator Pat Engel
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Thomas J. Olsen, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of proposed legislation which would enable prosecutorial officials to use photographs taken by intersection cameras to establish civil liability in their cases against violators of red light ordinances. Your correspondence indicates that when similar legislation was discussed in the past, questions arose concerning its constitutionality. Specifically, you inquire as to "whether this legislation could successfully withstand constitutional challenges based on equal protection, due process, or other constitutional provisions." Our response to your inquiry is set forth below.

PROPOSED LEGISLATION

The proposed legislation would authorize cities to install cameras at intersections to detect red light violators. Several other states, including Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New York and Virginia, have enacted similar laws which authorize the use of photo monitoring systems to enforce traffic light signals. Although many of these laws have been in effect for several years, our research has disclosed no case law challenging the constitutionality of the use of photo monitoring systems to enforce traffic infractions. Moreover, our research disclosed no cases, Attorney General opinions, or law review articles dealing with the subject matter of photo monitoring devices. As a result, our response to your inquiry will be based upon the general constitutional principles of equal protection and due process, and their applicability to the proposed legislation.

The draft copy of the proposed legislation attached to your opinion request would enable prosecutorial officials to use the photographs taken by the intersection cameras to establish civil liability against individuals violating red light ordinances. The legislation would establish a new civil offense infraction, separate and distinct from the violations contained in the Nebraska Rules of the Road, Neb. Rev. Stat. § 60-601 through 60-6,374 (1998).

Generally speaking, violators would be subject to monetary penalties, not to exceed \$100 per violation. The proposed legislation expressly provides that said violation will not appear on the individual's official driving record, and no points would be assessed against their driver's license. In addition, said individual would not be subject to any other prosecution, criminal or otherwise, associated with said violation. The proposed legislation provides that the owner or the registered lessee of any vehicle found in violation of any ordinance established pursuant thereto, would be liable for the established fine unless otherwise ordered by the court.

The notice of violation would be mailed to the registered owner/lessee accompanied by a copy of any photographic evidence obtained of the violation. The notice would also instruct the liable party on the process for paying the civil penalty, and would further inform said party on the process for contesting the violation. In the event the registered owner was not the driver at the time of the violation, the legislation provides that said owner may bring a civil action against the actual driver for indemnification.

STANDARD OF REVIEW

Since your opinion request pertains to potential constitutional challenges to the proposed legislation, we note that a statute is presumed to be constitutional and all reasonable doubts regarding constitutionality should be resolved in favor of its validity. *Callan v. Balka*, 248 Neb. 469, 481, 536 N.W.2d 47, 54 (1995). If a challenged statute is susceptible to more than one reasonable construction, a court uses the construction that will achieve the statutes purpose and preserve its validity. *Id.* The party asserting the unconstitutionality of a statute has the burden of overcoming this presumption by clearly demonstrating that the statute is unconstitutional. *State v. Popco, Inc.*, 247 Neb. 440, 442, 528 N.W.2d 281, 283 (1995).

ANALYSIS

A. Due Process

Your opinion request inquires as to whether the proposed legislation could successfully withstand a constitutional challenge based on due process. Although not specified in your request, we assume you refer to the guarantee contained in Neb. Const. Art. I, § 3, that no person shall be deprived of property "without due process of law," or the like guarantee embodied in U.S. Const. Amend. XIV.

Due Process embodies two distinct principles of constitutional protection, those being procedural due process and substantive due process. A basic and fundamental requirement of procedural due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and to afford them an opportunity to be heard and to present any defense to the charges levied against them. *State ex rel. Labedz v. Beermann*, 229 Neb. 657, 663, 428 N.W.2d 608, 618 (1988); *McAllister v. McAllister*, 228 Neb. 314, 422 N.W.2d 345 (1988).

However, due process does not guarantee to a citizen of the state any particular form or method of state procedure. *Hroch v. City of Omaha*, 226 Neb. 589, 591, 413 N.W.2d 287, 288 (1987). The requirements of procedural due process are satisfied if an individual charged with a violation of law has reasonable notice and a reasonable opportunity to be heard, so as to enable such individual to present his claim or defense, due regard being had to the nature of the proceedings and the character of the rights that may be affected by them. *Id.*

We note that the proposed legislation provides an individual charged with a violation thereunder, with the opportunity to contest the notice of infraction in county court. We therefore assume that said individual will be afforded adequate notice and a reasonable opportunity to be heard, thereby satisfying any procedural due process concerns.

With respect to substantive due process, the primary purpose of this constitutional guarantee is security of the individual from the arbitrary exercise of the powers of government unrestrained by the established principles of private rights and distributive justice. *Rein v. Johnson*, 149 Neb. 67, 82, 30 N.W.2d 548, 557 (1947).

As related to legislation, it is generally held that due process is satisfied if the legislature had the power to act on the subject matter, if that power was not exercised in an arbitrary, capricious, or unreasonably discriminatory manner, and if the act, being definite had a reasonable relationship to a proper legislative purpose. In other words, if an act of the Legislature is authorized and promulgated by the inherent and reserved constitutional powers of the state, and is enforced with due regard to and observance of the rules established by our system of jurisprudence for the security of life, liberty, and property, it is not in conflict with due process of law.

Rein, 149 Neb. at 82, 30 N.W.2d at 557, 558. Generally, statutes which are reasonably designed to protect the public safety, health, morals, and general welfare do not violate the constitutional principle of due process, where the statute operates uniformly on all within a class which is reasonable. *Central Markets West, Inc. v. State*, 186 Neb. 79, 81, 180 N.W.2d 880, 882 (1970). Moreover, the extent to which the legislature may exercise its police power is primarily a matter of legislative judgment, with the proviso that the purpose of the regulatory matter must be legitimate and the means employed to effectuate it must be reasonable. *Bridgeford v. U-Haul, Co.*, 195 Neb. 308, 316, 238 N.W.2d 443, 449 (1976).

Based on the foregoing, our initial focus is on whether the legislature has the power to act on the subject matter contained in the proposed legislation. In Nebraska, it is well established that the legislature has the inherent power to establish, maintain, and control the roadways of the state. *Herman v. Lee*, 210 Neb. 563, 566, 316 N.W.2d 56, 59 (1982). Furthermore, there is "no doubt" that the state may protect the health, safety and welfare of the general public by enacting legislation designed to increase highway safety. *Bridgeford*, 195 Neb. at 316, 238 N.W.2d at 449. The proposed legislation pertains to the regulation of motor vehicle traffic, specifically the authorized use of intersection cameras to detect red light violators. Said legislation would therefore appear to fall within the permissible scope and power of the legislature to control the roadways of the state.

Secondly, the proposed legislation must be rationally related to a legitimate state interest. The court in *Omaha Parking Authority v. City of Omaha*, 163

Neb. 97, 77 N.W.2d 862 (1956) held that legislation designed to facilitate and make safe the use of the state's highways and byways serves a legitimate state interest. *Id.* at 105-106, 77 N.W.2d at 869. Such matters are subject to the superior control of the state, except where prohibited by the Constitution. *Id.* It is our opinion that the proposed legislation has a reasonable relationship to the legitimate state interest of addressing the hazards presented by individuals who disregard red lights, thereby endangering the lives of the citizens of this state.

Furthermore, authorizing prosecutors to establish a prima facie case for imposing liability for the red light violation against the "owner or registered lessee" would appear to be a proper exercise of the state's police power.

In *Bridgeford*, the court held that:

The imposition of strict liability, in the exercise of police power of a state, does not of itself contravene the due process clauses of the federal [and] state Constitutions. . . . Legislation imposing liability without fault is frequently sustained as a proper exercise of the police power. . . . The extent to which the Legislature may exercise the police power, an attribute of state sovereignty, is primarily a matter of legislative judgment, but the purpose of the regulatory matter must be legitimate [sic] and the means employed to effect it must be reasonable. . . . Nebraska has, both by legislation and court decision, approved the principles of strict liability and vicarious liability in its workman's compensation statutes, judicial application of the family purpose doctrine, and defective product cases.

Bridgeford, 195 Neb. at 312-14, 238 N.W.2d at 447-48 (citations omitted). The Court reasoned that a statute imposing unlimited vicarious liability on owners/lessors of trucks for damages negligently caused by the lessee's and operators of the trucks, was a reasonable means of increasing highway safety, and therefore, did not deprive the truck owners/lessors of their property without due process. *Id.* at 316-17, 238 N.W.2d at 449.

Similarly, although our research failed to uncover any Nebraska case law on the subject, various other jurisdictions have held that imposing prima facie strict responsibility upon the registered owner of an illegally parked vehicle does not violate due process. *See Iowa City v. Nolan*, 239 N.W.2d 102 (1976) (a registered owner may be vicariously liable for his illegally parked vehicle and subject to punishment pursuant to a public welfare regulation); *Commonwealth v. Rudinski*, 382 Pa. Super. 462, 55 A.2d 931 (1998) (under public welfare doctrine, prima facie strict responsibility may be imposed upon the registered owner of an illegally parked vehicle).

Although we are unable to identify with any certainty each and every potential due process argument contesting the constitutionality of the proposed legislation, based on the foregoing authority, it is our opinion that said legislation could withstand such a constitutional challenge.

B. Equal Protection

Your opinion request also inquires as to whether the proposed legislation could successfully withstand a constitutional challenge based on equal protection. Once again, we assume for purposes of our response that you refer to Neb. Const. Art. I, § 3, Neb. Const. Art. III, § 18 and U.S. Const. Amend. XIV.

In 1998, Art. I, § 3 of the Nebraska Constitution was amended so as to include language that no person shall "be denied equal protection of the laws." Although the Nebraska Supreme Court has yet to rule on the interpretation of this particular constitutional provision, in the absence of contrary case law, we assume for the purposes of this opinion that the rights granted thereunder are similar to those derived from the fourteenth amendment to the U.S. Constitution, and those derived from Art. III, § 18 of the Nebraska Constitution.

Article III, § 18 of the Nebraska Constitution provides that "[t]he legislature shall not pass local or special laws in any of the following cases, that is to say: . . . Granting to any corporation, association, or individual any special or exclusive privileges, immunities, or franchise. . . . In all other cases where a general law can be made applicable, no special law shall be enacted."

In construing Article III, § 18, the Nebraska Supreme Court has determined that "[b]y definition, a legislative act is general, and not special, if it operates alike on all persons of a class or on persons who are brought within the relations and circumstances provided for. . . ." *Haman v. Marsh*, 237 Neb. 699, 709, 467 N.W.2d 836, 844 (1991) (citations omitted); *State ex rel. Rogers v. Swanson*, 192 Neb. 125, 219 N.W.2d 726 (1974). Thus, a legislative act can violate Neb. Const. Art. III, § 18 as special legislation in one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. *Swanson v. State*, 249 Neb. 466, 479, 544 N.W.2d 333, 342 (1996); *City of Scottsbluff v. Tiemann*, 185 Neb. 256, 175 N.W.2d 74 (1970).

Similar to the state equal protection clause is the provision contained in the fourteenth amendment to the U.S. Constitution. In pertinent part, the fourteenth amendment prohibits the State from denying "to any person within its jurisdiction the equal protection of the laws." When a statute is challenged under this clause, "[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." *Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432, 440 (1985); *Pick v. Nelson*, 247 Neb. 487, 528 N.W.2d 309 (1995); *Robotham v. State*, 241 Neb. 379, 488 N.W.2d 533 (1992).

There are two narrow exceptions to this rule. Statutes which classify by race, alienage or national origin 'will be sustained only if they are suitably tailored to serve a compelling state interest.' Likewise, statutes which classify by gender or illegitimacy must be 'substantially related' to,

respectively, either a 'sufficiently important governmental interest' or 'a legitimate state interest.'

Pick, 247 Neb. at 498, 528 N.W.2d at 318 (citations omitted). The Nebraska Supreme Court has expressly determined that "[t]he Nebraska Constitution and the U.S. Constitution have identical requirements for equal protection challenges." *Id.* See also *Robotham*, 241 Neb. at 385, 488 N.W.2d at 539. In an equal protection challenge pursuant to Article III, § 18 of the Nebraska Constitution, "classifications that do not involve a suspect class or fundamental right are tested for rational basis." *Haman*, 237 Neb. at 712, 467 N.W.2d at 846. Thus, in order to test the validity of the proposed legislation, we must initially determine whether it involves a fundamental right or suspect class.

The Nebraska Supreme Court has held that driving is not a fundamental right, and that drivers are not a suspect class. *State v. Michalski*, 221 Neb. 380, 385, 377 N.W.2d 510, 515 (1985). See also *Robotham*, 241 Neb. at 385-385, 488 N.W.2d at 539-540 (motorcycle ridership is not a suspect class, nor does it involve a fundamental right). As a result, the proposed legislation should withstand a constitutional challenge based on equal protection if it can be demonstrated that said legislation is rationally related to a legitimate state interest.

In attempting to articulate a potential equal protection argument contesting the constitutionality of the proposed legislation, we have been able to come up with only one possible scenario. It is possible that an argument could be made that the proposed legislation results in the improper classification of two types of violators of red light traffic signals. The first being an individual who is ticketed by a police officer who actually sees the red light violation, and the other being an individual whose violation of a red light traffic signal is photographed by an intersection camera authorized under the proposed legislation.

In the first instance, an individual who is ticketed by a police officer who actually witnesses the red light violation, is subject to criminal penalties, and if convicted, the violation would be made a part of their permanent driving record, and would further result in the loss of points against their driver's license.

The second classification, an individual ticketed with a civil traffic violation resulting from photographic evidence obtained from an intersection camera, would not be subject to criminal prosecution, nor would said violation be made a part of their permanent driving record, and further, no points would be assessed against their driver's license.

Based on the foregoing scenario, it could be argued that the proposed legislation improperly creates two distinct classifications of red light violators. In order to be valid, the state would be required to demonstrate that the proposed classification of red light violators ticketed by way of photographic

evidence obtained from an intersection camera is rationally related to a legitimate state interest.

Generally, the determination of whether a particular legislative classification has a legitimate public purpose is a decision left to the legislature. *See State v. Gaylen*, 221 Neb. 497, 504, 378 N.W.2d 182,187 (1985). Furthermore, states are usually afforded wide latitude in providing for different treatment of different classes of people. *Stoehr v. Whipple*, 405 F.Supp. 1249 (D. Neb. 1976). "Classifications appearing in social or economic legislation require only a rational relationship between the state's legitimate interest and the means selected to accomplish that end. The ends-means fit need not be perfect; it need only be rational." *State v. Michalski*, 221 Neb. 380, 389, 377 N.W.2d 510, 517 (1985). *See also Distinctive Printing and Packaging, Co. v. Cox*, 232 Neb. 846, 443 N.W.2d 566 (1989).

In *State v. Garber*, 249 Neb. 648, 545 N.W.2d 75 (1996), the Nebraska Supreme Court noted that when reviewing the constitutionality of a statute, it does not pass judgment on the wisdom or necessity of the legislation. *Id.* at 654, 545 N.W.2d at 79. The Court further noted that "under the rational basis standard, the most relaxed and tolerated form of judicial scrutiny under the Equal Protection Clause, a legislature is not required to adopt the best solution; it is sufficient if the solution adopted has some rational relationship to the state's objective." *Id.*

Given these standards, it is our opinion that the proposed legislation could successfully withstand a constitutional challenge based on equal protection. Although the public purpose of the proposed legislation is not set forth therein, it is apparent that the proposed legislation seeks to reduce the obvious hazards associated with vehicles running through red lights.

Although it could be argued that an individual charged with a violation under the proposed legislation is subjected to lesser penalties than an individual charged pursuant to being stopped by a police officer, there appears to be a rational basis for the imposition of these varying penalties. When an officer pulls over a vehicle for a red light violation, he actually witnesses the violation and is able to determine the identity of the individual operating the vehicle by reviewing the individual's drivers license. In addition, at this time, the officer prepares a citation regarding the violation, thereby immediately apprising the individual charged with such information as the date, time, and place of the hearing on the violation. The foregoing items are important from a constitutional standpoint, so as to insure that an individual charged with a criminal offense is afforded the opportunity to confront his or her accuser, and further, to afford the individual charged with the right to a speedy trial.

To the contrary, those charged with a violation of a red light ordinance under the proposed legislation would be subjected only to a civil penalty. The rational basis for this lesser penalty is the fact that the violation arises from photographs taken by an intersection camera as opposed to a police officer actually witnessing the violation. Furthermore, due to the fact that an officer is

not present, the driver of the vehicle depicted in the photograph is not immediately identified, nor is the citation issued to the driver on the precise day of the violation. These factors contribute to the finding that there is a rational basis for imposing a lesser civil penalty on an individual charged with a violation of a red light ordinance authorized by the proposed legislation. As set forth above, classifications appearing in social or public welfare legislation merely require a rational relationship between the state's legitimate interest and the means selected to accomplish that end. *Michalski*, 221 Neb. at 389, 377 N.W.2d at 517; *Garber*, 249 Neb. at 654, 545 N.W.2d at 79.

We believe that it would be difficult for any opponent of the proposed legislation to articulate a viable constitutional argument challenging the proposed legislation on the grounds that the purported classification does not have a rational relationship to the legitimate state interest of increasing intersection safety. Rather than placing an officer at the intersection full time, the red light intersection camera serves as a twenty-four hour deterrent for running a red light. The intersection camera also provides a safe, quick, cost effective, and efficient means of dealing with the hazards of individuals running red lights. With no stop involved, the officer is not at risk from passing traffic or armed violators.

Furthermore, not only will the streets be safer after implementation of the red light intersection camera system, but police officers are freed from time consuming traffic stops and have more time to attend to higher priority duties. In addition, under the proposed legislation, violations of red light traffic signals are enforced without discrimination, and safety and efficiency should be increased by reducing the number of potential high speed chases and the number of personnel required for traffic accident clean up, investigation, and court testimony.

CONCLUSION

In conclusion, it is our opinion that the proposed legislation authorizing the use of intersection cameras to photograph violators of red light ordinances could successfully withstand constitutional challenges based on due process and equal protection.

Sincerely,
DON STENBERG
Attorney General
(Signed) Thomas J. Olsen
Assistant Attorney General

10-22-11

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

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Information Technology Commission Policies and Procedures

Agriculture, Department of

Composting Operating Procedures (LB 870, 1999)

Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices

Uniform Laws and Regulations, Handbook 130

Economic Impact Assessment (LB 630)

Agricultural Structure Assessment Task Force

Report (LB 730, 1999)

Arts Council, Nebraska

Nebraska Arts and Humanities Cash Fund Annual Report

Auditor of Public Accounts

NE Health and Human Services System - Program 355 – Visually Impaired;

Program 356 - Visually Impaired Aid - FY 98

NE Department of Water Resources - FY 98

NE Arts Council - FY 98

NE Department of Administrative Services - Program 560 - Building Division - FY 98

NE Ethanol Board - FY 98

NE Commission on Public Advocacy - FY 98

NE Tax Equalization and Review Commission - FY 98

NE Department of Economic Development - Program 618 - Tourism Promotion - FY 98

NE Department of Health and Human Services - Program 575 - Byrne Grants - FY 98

NE Department of Health and Human Services - Program 364 - Juvenile Parole - FY 98

NE Board of Barber Examiners - FY 98

NE Foster Care Review Board - FY 98

NE Department of Veterans' Affairs - FY 98

NE Department of Environmental Quality - Land Quality - Program 587 – FY 97

NE Public Employees' Retirement Systems - Deferred Compensation Plan - 1/1/97-12/31/97

NE Department of Education - Division 11 - School for the Deaf, 7/1/97-6/30/98 and 7/1/98-9/30/98

NE Health and Human Services System - Program 366 - Mental Health Aid - FY 97

Nebraska Department of Justice - FY 97 and 98

Nebraska Commission for the Deaf and Hard of Hearing - FY 98

Nebraska Equal Opportunity Commission - FY 98
Nebraska Commission of Industrial Relations - FY 98
Nebraska Motor Vehicle Industry Licensing Board
Nebraska Public Employees' Retirement Systems - School Employees',
Judges', and State Patrol Retirement Plans - FY 98
Nebraska State Racing Commission - FY 98
Nebraska Department of Revenue - Motor Fuel Tax Enforcement and
Collection Division - FY 98
Nebraska Public Employees' Retirement Systems - State and County
Employees' Retirement Plans - FY 98
Nebraska Motor Vehicle Industry Licensing Board - FY 99
Nebraska Department of Revenue - Charitable Gaming Division - Petty Cash
Fund - FY 99
Nebraska Real Estate Appraiser Board - FY 99

Educational Lands and Funds, Board of

Educational Trust Land Sales Summary for 1998-99

Energy Office, Nebraska

Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Reports

Environmental Quality, Department of

Report of no activity in Program #518, Wastewater Construction Grants
Report on Program #523, Small Town Grants Program
Annual Report

Ethanol Board, Nebraska

Ethanol Production Incentive Cash Fund Summary
Ethanol Production Incentive Credit Summary
Ethanol Production Incentive Credit Flow Cash Projection

Health and Human Services System, Nebraska

Office of the System Advocate, April-June and July-September 1999,
Quarterly Reports
Report of Closure of Alcohol Treatment Unit at Hastings Regional Center
407 Review of Nebraska Podiatric Medical Association's Proposal to
Change the Scope of Practice of Podiatry
Vital Statistics Report for 1998
Medicaid Coverage of Substance Abuse/Alcoholism Services Status
Report
Community Service Program Employable General Assistance Recipients
Annual Report
Cost Sharing in the Medicaid Program for 1999

Insurance, Department of

Report of the Availability of Insurance Coverage for Underground
Petroleum Storage Tanks
Interstate Insurance Receivership Commission 1998 Annual Report

Investment Council, Nebraska

Northern Ireland Investment Requirements under LB 1066

Investment Finance Authority, Nebraska (NIFA)

Notice on 1999 Series G.O.-5 General Obligation Issue

Notice on 1999 Series A, 1999 Series B (Federally Taxable) and 1999 C
Single Family Issue

Series 1999 NIFA State Revolving Fund Revenue Bonds

Quarterly Reports 1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1, D-2
Community Development Loan Notes

Quarterly Reports on Series of Nebraska Investment Finance Authority
Single Family Housing Revenue Bonds

Proposed Issuance of State Revolving Fund Revenue Bonds for Wastewater
Treatment Facilities and Drinking Water State Revolving Fund Programs

Series 1999 NIFA State Revolving Fund Revenue Bonds

Series 1998 NIFA State Revolving Fund Revenue Bonds Quarterly Reports

1999 Series D Single Family Housing Revenue Bonds

1999 Series G.O.-6 General Obligation Bonds

1999 Series G.O.-7 General Obligation Bonds

Labor, Department of

State Labor Area Summaries

Job Training Partnership Act Annual Report

Law Enforcement and Criminal Justice, Commission on

Annual Report FY 98

Legislative Fiscal Office

State of Nebraska Biennial Budget

Legislative Program Evaluation Committee

Preevaluation Inquiry Report: Game and Parks Commission Cash Funds
Annual Report

Liquor Control Commission, Nebraska

Keg Registration Report

Natural Resources Commission

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

Patrol, Nebraska State

Cash Fund Report for calendar year 1998

Public Counsel/Ombudsman, Office of the

Nebraska Public Counsel 1998 Annual Report

Public Employees Retirement Systems, Nebraska

Judges' Retirement System for 1999
 School Retirement System for 1999
 State Patrol Retirement System for 1999

Public Service Commission, Nebraska

Annual Report on Telecommunications

Retirement Systems, Public Employees

1999 County Equal Retirement Benefit Fund Actuarial Valuation Results as of January 1, 1999 for State FY ending June 30, 2000
 1999 State Equal Retirement Benefit Fund Actuarial Valuation Results as of January 1, 1999 for State FY ending June 30, 2000

Revenue, Department of

Certification of General Fund net receipts for FY 1999-2000 (Prepared jointly by the Department of Rev. and Leg. Fiscal Analyst)
 Lottery Annual Report

Roads, Department of

Board of Public Roads Classifications and Standards Minutes of May, June, July, September, October, and November 1999 meetings
 State Highway Commission Quarterly Reports
 Bicycle Guide Map and General Bicycle/Trail Info
 Traffic Accident Facts - 1998 Annual Report
 Nebraska's Integrated Highway, Road and Street System: Thirty Years of Progress
 State Highway Needs Assessment Report
 Recreation Roads One- and Five- Year Programs

State of Nebraska

Comprehensive Annual Financial Report

University of Nebraska

Final Report on Nebraska Child Support Collection and Disbursement System Implementation Project
 Annual Report

Workers' Compensation Court, Nebraska

Annual Report

COMMUNICATIONS

Received a copy of Assembly Joint Resolution No. 2, passed by the Nevada Assembly and the Nevada Senate urging Congress to amend the provisions of the Wild Free-Roaming Horses and Burros Act.

Received a copy of Senate Joint Resolution 7 (Resolution No. 5) and House Joint Resolution 8 (Resolution No. 6), State Regulation of Self-Funded

Employer-Based Health Plans passed by the Maryland General Assembly requesting the United States Congress amend the Employment Retirement Income Security Act of 1974 (ERISA).

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announces the following committee changes made over the interim:

Senator Schimek has been appointed to fill the vacancy on the Committee on Committees.

Senator Aguilar has been appointed to the Banking, Commerce and Insurance Committee and the Government, Military and Veterans Affairs Committee.

Senator Kremer has been appointed to the Natural Resources Committee and no longer serves on the Government, Military and Veterans Affairs Committee.

Senator Crosby has been appointed to the Nebraska Retirement Systems Committee.

Senator Bohlke has been appointed to the Revenue Committee and no longer serves on the Natural Resources Committee.

Senator Byars has been appointed to the Transportation Committee and no longer serves on the Banking, Commerce and Insurance Committee.

ANNOUNCEMENT

Senator Stuhr announced the Nebraska Retirement Systems Committee elected Senator Bourne as Vice Chairperson.

COMMUNICATIONS

Pursuant to Section 84-104.05, the Legislature received a Proclamation from Governor Mike Johanns proclaiming January 5, 2000, as George W. Norris Day.

Received communication from Governor Mike Johanns designating Richard Coyne as chairman of the Liquor Control Commission due to the resignation of Jack Crowley.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 884. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1003, 83-1008, 83-1013, 83-1015, 83-1016, 83-1019, 83-1023, 83-1024, 83-1026, 83-1047, 83-1048, 83-1049, 83-1050, 83-1051, 83-1055, 83-1058, 83-1059, 83-1061, 83-1062, 83-1064, 83-1066, and 83-1069, Reissue Revised Statutes of Nebraska; to change citation references; to change and eliminate references to repealed sections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Strategic Air Command Museum; to amend section 81-1211, Reissue Revised Statutes of Nebraska; to repeal obsolete provisions governing divestment; to harmonize provisions; to repeal the original section; and to outright repeal sections 90-261 to 90-263, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 886. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate provisions relating to a depreciation surcharge applicable to tax year 1992; and to outright repeal sections 77-2716.02, 77-2734.17, and 77-2769.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 887. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Constitutional Revision Commission; to repeal provisions relating to the commission; and to outright repeal sections 49-1601 to 49-1603, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 888. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to repeal a section that terminated on June 30, 1997; and to outright repeal section 81-2266, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 889. Introduced by Executive Board: Coordsen, 32,

Chairperson.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to repeal provisions governing an advisory committee that was to exist for three years after June 14, 1995; and to outright repeal section 68-704, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 890. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to electronic information; to repeal provisions governing a plan that was to be issued by March 1, 1995; and to outright repeal sections 50-439 to 50-442, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 891. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3228 and 2-3235, Revised Statutes Supplement, 1999; to harmonize provisions with Laws 1999, LB 436; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Managed Care Plan Act; to amend sections 68-1048, 68-1050, 68-1051, 68-1056, and 68-1064, Reissue Revised Statutes of Nebraska; to delete references to the Managed Care Commission that ceased to exist April 1, 1997; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1052, 68-1053, 68-1054, 68-1055, 68-1065, and 68-1066, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 893. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to state government; to amend sections 23-1715, 81-1120.02, and 81-1120.03, Reissue Revised Statutes of Nebraska; to remove references to an eliminated board; and to repeal the original sections.

LEGISLATIVE BILL 894. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to repeal a

duty relating to the 1982 legislation adopting the code; and to outright repeal section 43-2,130, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 895. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend Laws 1999, LB 271, section 10; to change the operative date of changes made by Laws 1999, LB 271; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 896. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1010.01, Revised Statutes Supplement, 1998, and section 79-1010, Revised Statutes Supplement, 1999; to change provisions relating to incentive payments; to eliminate a termination date; and to repeal the original sections.

LEGISLATIVE BILL 897. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to employment security taxes; to amend section 48-656, Reissue Revised Statutes of Nebraska; to change late penalty provisions; and to repeal the original section.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 898. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Community-Based Neurobehavioral Action Plan Act; to amend sections 79-11,145, 79-11,146, and 79-11,149, Revised Statutes Supplement, 1999; to change dates; and to repeal the original sections.

LEGISLATIVE BILL 899. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to child visitation; to amend section 42-364.15, Reissue Revised Statutes of Nebraska; to change provisions relating to enforcement of visitation orders; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24; at the request of the Governor.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1502, 2-1503.01 to 2-1504, 2-1505, 2-1568, 2-1575, 2-1577, 2-1578, 2-1579, 2-1585, 2-1587, 2-1589, 2-1590, 2-1592 to 2-1595, 2-1597, 2-1598, 2-15,100, 2-15,101, 2-15,103, 2-15,105, 2-15,106, 2-15,122, 2-15,123, 2-2626, 2-3208, 2-3211, 2-3212, 2-3240, 2-3257, 2-3276, 2-3277, 2-4215, 16-6,106, 25-1062.01, 25-1064, 25-2159, 25-2160, 31-415, 31-508, 31-509, 31-515, 31-516, 31-1003, 31-1008, 31-1015, 31-1017 to 31-1023, 33-105, 46-106, 46-122, 46-190, 46-192, 46-193, 46-199, 46-1,155 46-1,157, 46-205, 46-208 to 46-210, 46-212, 46-212.01, 46-213, 46-215 to 46-219, 46-226, 46-226.03, 46-227, 46-229, 46-229.01, 46-229.04, 46-229.05, 46-230, 46-233, 46-233.01, 46-234, 46-235, 46-235.02 to 46-238, 46-240.01 to 46-242, 46-250, 46-252, 46-254, 46-256 to 46-258, 1 46-261, 46-263.02, 46-270, 46-273, 46-277, 46-278, 46-288 to 46-296, 46-2,101, 46-2,105, 46-2,108 to 46-2,115, 46-2,116.01 to 46-2,120, 46-2,122 to 46-2,125, 46-2,128, 46-2,130, 46-302 to 46-305, 46-312, 46-315, 46-514, 46-516, 46-541, 46-583, 46-604, 46-610, 46-613.01, 46-613.02, 46-637 to 46-642, 46-644 to 46-646, 46-648, 46-649, 46-653, 46-654, 46-656.05, 46-656.07, 46-656.12, 46-656.14 to 46-656.16, 46-656.19, 46-656.25, 46-656.28, 46-656.30, 46-656.31, 46-656.33, 46-656.38, 46-656.40, 46-656.50 to 46-656.63, 46-656.65 to 46-656.67, 46-676, 46-678.01, 46-686.01, 46-691, 46-692, 46-701 to 46-704, 46-801 to 46-804, 46-1001, 46-1004, 46-1005, 46-1011, 46-1023, 46-1204.01, 46-1217, 46-1401, 46-1403, 46-1404, 56-101, 66-1105, 81-15,170, 81-2304, 81-2602, 81-3449, 81-3453, and 85-162.03, Reissue Revised Statutes of Nebraska, sections 2-1570, 2-1588, and 2-3202, Revised Statutes Supplement, 1998, and sections 2-1503, 2-1547, 2-1584, 2-1596, 2-3222, 2-3254, 2-4901, 25-1920, 46-602, 46-606, 46-1224, 49-506, 49-617, 54-2404.02, 54-2412, 81-101, and 81-102, Revised Statutes Supplement, 1999; to merge the Department of Water Resources and the Nebraska Natural Resources Commission; to transfer, provide, change, and eliminate powers and duties; to eliminate a fund, an advisory committee, and obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 2-1504.02, 2-1504.03, 2-1506, 2-1506.01, 2-1507, 2-15,104, 2-15,121, 2-3203.02, and 46-212.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 901. Introduced by Natural Resources Committee; Schrock, 38, Chairperson; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to Nebraska Power Review Board; to amend sections 70-1001, 70-1003, and 70-1023, Reissue Revised Statutes of Nebraska; to provide intent; to define terms; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 902. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriation of water; to amend sections

46-231, 46-294, and 46-637, Reissue Revised Statutes of Nebraska; to change provisions relating to amounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 903. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-636 and 46-637, Reissue Revised Statutes of Nebraska; to change provisions relating to pumping for irrigation purposes; and to repeal the original sections.

LEGISLATIVE BILL 904. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 46-656.25, 46-656.26, and 46-656.27, Reissue Revised Statutes of Nebraska; to change ground water management control and allocation provisions; and to repeal the original sections.

LEGISLATIVE BILL 905. Introduced by Chambers, 11; Jensen, 20; Smith, 48.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-1,104, 9-204, 9-226, 9-227, 9-255.06, 9-255.09, 9-312, 9-315, 9-322, 9-323, 9-335, 9-402, 9-411, 9-415, 9-418, 9-419, 9-422, 9-502, 9-507, 9-509, 9-607, 9-620, 15-258, 16-226, 17-120, 28-1101, 28-1105, 28-1113, 77-2733, 81-15,174, 83-162.04, and 84-712.05, Reissue Revised Statutes of Nebraska, sections 77-27,160, 77-27,161, 77-27,166 to 77-27,169, 77-27,171, 77-27,172, 79-757, and 79-761, Revised Statutes Supplement, 1998, and sections 14-102, 17-207, 79-758, 79-1018.01, and 79-1310, Revised Statutes Supplement, 1999; to eliminate the State Lottery Act; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 9-801, 9-802, 9-804, 9-806 to 9-811.01, 9-813, 9-814, 9-816 to 9-830, 9-832 to 9-836, 9-837 to 9-841, 49-1469.01 to 49-1469.03, and 77-2704.38, Reissue Revised Statutes of Nebraska, section 9-836.01, Revised Statutes Supplement, 1998, and sections 9-803, 9-805, and 9-812, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 906. Introduced by Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-320.01, Reissue Revised Statutes of Nebraska; to require In Transit decals as prescribed; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by Hilgert, 7; Kiel, 9; Preister, 5; Quandahl, 31; Smith, 48; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-519, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1999; to change provisions relating to criminal mischief; to prohibit graffiti as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 908. Introduced by Hilgert, 7; Bourne, 8.

A BILL FOR AN ACT relating to probation administration; to amend sections 29-2246, 29-2251, 29-2252, 29-2253, 29-2258, 29-2261, 29-2262.03, and 29-2269, Reissue Revised Statutes of Nebraska, and section 29-2259, Revised Statutes Supplement, 1999; to transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services; to define terms; to provide powers and duties for the Director of Correctional Services; to eliminate powers of the Supreme Court and other courts as prescribed; to change powers of the probation administrator; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2249, 29-2249.04, 29-2250, and 29-2262.05, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 909. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to schools; to state intent; to provide for guidelines for accepting juveniles' academic credits as prescribed.

LEGISLATIVE BILL 910. Introduced by Hilgert, 7; Beutler, 28; Cudaback, 36; Preister, 5; Schmitt, 41; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Revised Statutes Supplement, 1999; to provide for Honorably Discharged Veteran Plates; to provide for fees; to provide for the distribution of proceeds; and to repeal the original section.

LEGISLATIVE BILL 911. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to swimming pools; to amend section 71-4305, Reissue Revised Statutes of Nebraska; to require certification of swimming pool owners and operators; to provide a fee; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 912. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to extend closing hours as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 913. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Reissue Revised Statutes of Nebraska; to eliminate a restriction relating to the purchase of beer by retail licensees; and to repeal the original section.

LEGISLATIVE BILL 914. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 68-1723 and 68-1724, Reissue Revised Statutes of Nebraska, and section 68-1713, Revised Statutes Supplement, 1998; to change provisions relating to cash assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 915. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Reissue Revised Statutes of Nebraska; to change provisions relating to experience accounts; and to repeal the original section.

LEGISLATIVE BILL 916. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the cigarette tax; to amend sections 77-2601, 77-2603, 77-2604, 77-2605, 77-2607, 77-2610, 77-2613, 77-2614, 77-2615, and 77-2620, Reissue Revised Statutes of Nebraska, and section 77-2612, Revised Statutes Supplement, 1998; to prohibit affixing stamps or meter impressions as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 917. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend section 87-302, Reissue Revised Statutes of Nebraska; to prohibit the business use of the name of a municipality as prescribed; and to repeal the original section.

LEGISLATIVE BILL 918. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Nebraska Time-Share Act; to amend sections 76-1701 to 76-1703, 76-1713, 76-1715, 76-1716, 76-1718, 76-1719, 76-1722, 76-1725 to 76-1727, 76-1732, 76-1734, 76-1736, and 76-1738, Reissue Revised Statutes of Nebraska; to change a definition; to change provisions authorizing the transfer of time-share interests; to provide powers and duties for the State Real Estate Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 919. Introduced by Bruning, 3.

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 pensions and other distributions, dividends, and interest; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 920. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to public assistance; to eliminate provisions relating to trusts; and to outright repeal section 68-1047, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 921. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to court procedure; to amend sections 11-124, 25-525, 25-1142, 25-1273.01, 25-1315.02, 25-1515, 25-1517, 25-1542, 25-1804, 25-2002, 25-2008, 25-21,130, 25-21,167, 25-21,217, 25-21,220, 25-21,230, 25-2728, 25-2733, 27-802, 29-2525, 42-372, 42-372.01, 45-103, and 76-718, Reissue Revised Statutes of Nebraska, section 25-2001, Revised Statutes Supplement, 1998, and sections 25-705, 25-1912, 25-1931, and 25-2729, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to new trials, judgments, discovery, motions, and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1143, 25-1145, 25-1302, and 25-2003, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 922. Introduced by Cudaback, 36; Baker, 44; Jones, 43; D. Pederson, 42; Schrock, 38.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 1998; to provide an additional district court judgeship; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to physician assistants; to amend section 71-1,107.16, Revised Statutes Supplement, 1999; to redefine a term; to harmonize provisions; and to repeal the original section.

EASE

The Legislature was at ease from 10:46 a.m. until 11:14 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 924. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to authorize a refund of sales tax paid on certain telephone calling cards; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 925. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908 and 77-3806, Reissue Revised Statutes of Nebraska, sections 77-2701 and 77-2734.03, Revised Statutes Supplement, 1998, and section 77-2715.07, Revised Statutes Supplement, 1999; to provide a tax credit for business child care expenditures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 926. Introduced by Landis, 46.

A BILL FOR AN ACT relating to cities and villages; to require a fine for nonmoving traffic violations.

LEGISLATIVE BILL 927. Introduced by Landis, 46.

A BILL FOR AN ACT relating to notaries public; to amend section 64-101, Reissue Revised Statutes of Nebraska; to authorize appointment of nonresidents as prescribed; and to repeal the original section.

LEGISLATIVE BILL 928. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-204, 77-1704, and 77-1705, Reissue Revised Statutes of Nebraska, and section 77-1704.01, Revised Statutes Supplement, 1999; to authorize installment payments for certain property taxes; to provide duties and procedures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Landis, 46.

A BILL FOR AN ACT relating to commercial transactions; to adopt the Uniform Electronic Transactions Act.

LEGISLATIVE BILL 930. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-401, 44-409, 44-1206, 44-2407, 44-2708, 44-2716, 44-32,134, and 48-146.01, Reissue Revised Statutes of Nebraska, and section 28-631, Revised

Statutes Supplement, 1998; to change provisions relating to insurance fraud, reserves, insurance guaranty associations, reports, and workers' compensation insurance; to require coverage for reconstructive surgery as prescribed; to eliminate provisions relating to the Committee on Valuation of Securities; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 44-707.01 to 44-707.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 931. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-105, 9-102, 9-104, 9-210, 9-317, 9-323, 9-331, 9-334, 9-336, 9-406, 9-407, 9-408, 9-409, 9-504, 9-705, and 9-709, Uniform Commercial Code; to change provisions relating to secured transactions; to provide safe harbor provisions for certain continuation statements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-301, 8-305, 8-317, 8-331, 8-334, 8-336, 8-340, 8-345.01, 8-346, 8-1103, 8-1111, 8-1120, 8-1502, 21-1701, 21-1767, 21-1768, 45-205, 45-337, 45-717, and 45-919, Reissue Revised Statutes of Nebraska, sections 8-205, 8-223, and 8-910, Revised Statutes Supplement, 1998, and sections 8-1,140, 8-355, 8-602, 21-17,115, and 45-137, Revised Statutes Supplement, 1999; to revise the powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to the Nebraska Trust Company Act, building and loan companies, department fees, the Nebraska Bank Holding Company Act of 1995, the Securities Act of Nebraska, acquisitions and mergers, the Credit Union Act, installment loans, revolving charge agreements, installment sales, the Mortgage Bankers Registration and Licensing Act, and the Delayed Deposit Services Licensing Act; to require a fidelity bond from credit unions; to eliminate provisions relating to foreign building and loan associations; to harmonize provisions; to repeal the original sections; to outright repeal sections 8-342 to 8-345, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 933. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to public meetings; to amend sections 18-2438 and 84-1412, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings outside Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 934. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-154.01, 81-1108, 81-1108.41, 81-1114.02, 81-1120.35 to 81-1120.38, 81-1120.40, 81-2304, 81-2307, 81-2308.01, 84-1602, 84-1603, 84-1605, 84-1606, 84-1613, and 84-1616, Reissue Revised Statutes of Nebraska; to change provisions relating to purchasing, departmental organization, capital construction, and powers and duties; to create a fund; to eliminate obsolete provisions and a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 81-1120.32 to 81-1120.34, 81-1120.39, and 81-1354.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 935. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska, and sections 32-813 and 32-1007, Revised Statutes Supplement, 1999; to provide for write-in space for the offices of President and Vice President; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 936. Introduced by Matzke, 47; Aguilar, 35; Baker, 44; Bourne, 8; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Byars, 30; Coordsen, 32; Crosby, 29; Cudaback, 36; Dickey, 18; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Jones, 43; Kremer, 34; Kristensen, 37; Lynch, 13; D. Pederson, 42; Price, 26; Quandahl, 31; Redfield, 12; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Rural Economic Opportunities Act.

LEGISLATIVE BILL 937. Introduced by Beutler, 28; Byars, 30; Crosby, 29; Hudkins, 21; Landis, 46; Price, 26; Raikes, 25; Schimek, 27.

A BILL FOR AN ACT relating to outdoor advertising; to amend sections 19-904.01, 23-173.01, and 69-1701, Reissue Revised Statutes of Nebraska; to provide for the use of amortization schedules in determining compensation to owners for certain removals, takings, and appropriations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 938. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183, Reissue Revised Statutes of Nebraska; to change provisions

relating to work arrangements; and to repeal the original section.

LEGISLATIVE BILL 939. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Act; to amend sections 46-1214.01, 46-1229, 46-1233, 46-1235, 46-1238, 46-1239, and 46-1240, Reissue Revised Statutes of Nebraska; to change provisions relating to water well decommissioning; to change provisions relating to penalties for contractors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the juvenile code; to amend section 43-279, Reissue Revised Statutes of Nebraska; to provide for notification of the school of certain adjudications; and to repeal the original section.

LEGISLATIVE BILL 941. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 14-109, 15-203, 16-205, 17-525, and 19-4018, Reissue Revised Statutes of Nebraska, section 13-519, Revised Statutes Supplement, 1998, and section 13-518, Revised Statutes Supplement, 1999; to authorize a county license or occupation tax on entities selling alcoholic beverages; to limit license and occupation taxes as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 942. Introduced by Wickersham, 49; Coordsen, 32; Hartnett, 45; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 18-2147.01, Revised Statutes Supplement, 1999; to eliminate the Review Incentives Program Committee; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-5101, 77-5103, and 77-5104, Reissue Revised Statutes of Nebraska, and sections 77-5102 and 77-5105, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 943. Introduced by Wickersham, 49; Jensen, 20.

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 long-term care insurance premiums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 944. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1999; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 945. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 77-3444, Revised Statutes Supplement, 1999; to change provisions relating to property tax levy limitations; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3504, Reissue Revised Statutes of Nebraska; to redefine household income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 947. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 1998; to change the base limitation applicable to school districts and other political subdivisions; to provide an operative date; to repeal the original section; and to declare an emergency.

EASE

The Legislature was at ease from 11:21 a.m. until 11:50 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 948. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Supplement, 1999; to exempt purchases by elected county fair boards from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Stuhr, 24; Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1338, 77-5005, and 77-5028, Revised Statutes Supplement, 1998, and sections 13-509, 77-1315, 77-1315.01, and 77-1514, Revised Statutes

Supplement, 1999; to eliminate agricultural and horticultural land valuation boards and land manual areas; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1379, 77-1382, and 77-1383, Revised Statutes Supplement, 1998, and sections 77-1378, 77-1380 to 77-1381.01, 77-1384, 77-5024, and 77-5025, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 950. Introduced by Byars, 30; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to children; to adopt the Infant Hearing Act; to provide for insurance and medicaid payments; and to declare an emergency.

LEGISLATIVE BILL 951. Introduced by Byars, 30; Jensen, 20; Kristensen, 37; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 1999; to provide for a fee; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Byars, 30; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for senior services; and to declare an emergency.

LEGISLATIVE BILL 953. Introduced by Vrtiska, 1; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-606.01, 48-617, 48-618, 48-619, 48-628, 48-628.03, 48-652, 48-655, 81-1201.01, and 85-1540, Reissue Revised Statutes of Nebraska, and section 48-621, Revised Statutes Supplement, 1999; to change voluntary leave and experience account provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 954. Introduced by Jensen, 20; Byars, 30; Matzke, 47.

A BILL FOR AN ACT relating to the Long-Term Care Insurance Act; to amend sections 44-4504, 44-4509, 44-4515, and 44-4516, Reissue Revised Statutes of Nebraska, and section 44-4501, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to long-term care insurance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. Introduced by Jensen, 20; Byars, 30; Matzke, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1999; to provide an income tax credit for long-term care insurance premiums; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Schimek, 27; Beutler, 28; Bohlke, 33; Coordsen, 32; Kiel, 9; Kristensen, 37; Matzke, 47; Wehrbein, 2.

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

LEGISLATIVE BILL 957. Introduced by Dierks, 40; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to create the Carbon Sequestration Advisory Committee; to provide duties; and to create a fund.

LEGISLATIVE BILL 958. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 75-901 and 75-902, Reissue Revised Statutes of Nebraska; to provide for certification of grain and restrictions on grain dealers, warehouse licensees, and first purchasers; to provide duties for the Public Service Commission; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 959. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,147, Reissue Revised Statutes of Nebraska, and section 81-2,147.01, Revised Statutes Supplement, 1998; to define terms; to provide a cause of action for certain crop damage; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 960. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to grain warehouses; to eliminate provisions relating to the weighing of grain and pellets; and to outright repeal sections 88-520 to 88-522, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 961. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinarians; to amend section 71-1,154, Revised Statutes Supplement, 1999; to define a term; to provide a duty; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Reissue Revised Statutes of Nebraska; to change sales tax provisions relating to magazines and journals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinary technicians; to amend section 71-1,153, Reissue Revised Statutes of Nebraska, and sections 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement, 1999; to define terms; to provide for veterinary technician provisions and eliminate approved animal technician provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178, 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised Statutes of Nebraska, and section 71-1,171, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 964. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinarians; to provide information disclosure requirements.

LEGISLATIVE BILL 965. Introduced by Robak, 22; Baker, 44; Bohlke, 33; Bourne, 8; Brashear, 4; Connealy, 16; Hilgert, 7; Kiel, 9; Dw. Pedersen, 39; Price, 26; Thompson, 14.

A BILL FOR AN ACT relating to mental health regions; to provide services to inmates in jails and detention centers; and to provide intent.

LEGISLATIVE BILL 966. Introduced by Bromm, 23; Beutler, 28; Brashear, 4; Janssen, 15.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-24,105, Reissue Revised Statutes of Nebraska; to change provisions relating to deeds of distribution; to eliminate a requirement to record certain documents in the register of deeds office; to repeal the original section; and to outright repeal section 30-238, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 967. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5023, Revised Statutes Supplement, 1998, and sections 77-1504.01, 77-5016, and 77-5019, Revised Statutes Supplement, 1999; to change powers for adjusting the valuation of classes

and subclasses of property; to change powers and duties concerning hearings, orders, and appeals; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-355.01, 79-1081, 79-1082, and 84-1411, Reissue Revised Statutes of Nebraska, section 35-1303, Revised Statutes Supplement, 1998, sections 13-503, 51-805, 77-202.11, 77-202.12, and 79-1072.04, Revised Statutes Supplement, 1999, and Laws 1999, LB 271, section 10; to change provisions relating to the Nebraska Budget Act, tax levies, joint public agencies, taxation of public property, and school finance; to change the operative date of changes made by Laws 1999, LB 271; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 969. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,117 and 60-4,151, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-493, 60-494, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1999; to change provisions relating to organ and tissue donation language on applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Thompson, 14; Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,267, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of occupant protection systems by children; and to repeal the original section.

LEGISLATIVE BILL 971. Introduced by Brown, 6; Dierks, 40.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-438, Reissue Revised Statutes of Nebraska, and section 28-405, Revised Statutes Supplement, 1999; to prohibit certain possession and purchases of ephedrine; to require labeling and licensing for food products and dietary supplements; to prohibit the dispensing or sale to minors; to create a fund and provide for its use; to provide requirements for sales of crystal iodine; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 972. 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, 73-1718.02, 43-1723, 43-1727, 43-1729, and 43-1741, Reissue Revised Statutes of Nebraska, and sections 43-3341, 43-3342, 43-3344, 43-3346, and 43-3347, Revised Statutes Supplement, 1999; to implement support payments through the State Disbursement Unit; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-3344, Revised Statutes Supplement, 1999; and to declare an emergency.

EASE

The Legislature was at ease from 11:54 a.m. until 12:18 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 973. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Hartnett, 45; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-192, Reissue Revised Statutes of Nebraska; to change provisions relating to the transportation of alcoholic liquor into the state; and to repeal the original section.

LEGISLATIVE BILL 974. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1107, Reissue Revised Statutes of Nebraska; to change provisions relating to possession of a gambling device; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to minors in possession of alcoholic liquor; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to pickle cards; to amend section 9-301,

Reissue Revised Statutes of Nebraska; to require signs for pickle card dispensing devices; to provide a duty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203, Reissue Revised Statutes of Nebraska; to terminate a fund; to provide for the remittance of fines to the permanent school fund and for a transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Hartnett, 45; Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for Alcohol/Tobacco Enforcement Officers.

LEGISLATIVE BILL 979. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Hartnett, 45; Quandahl, 31; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-117.02, 53-117.07, and 53-117.08, Reissue Revised Statutes of Nebraska, and sections 53-117, 53-133, and 53-1,115, Revised Statutes Supplement, 1999; to provide for hearing officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-420, 37-421, and 37-538, Reissue Revised Statutes of Nebraska; to authorize the operation of vehicles by disabled persons as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to acupuncture; to adopt the Acupuncture Practice Act; and to provide a penalty.

LEGISLATIVE BILL 982. Introduced by Connealy, 16; Baker, 44; Crosby, 29; Cudaback, 36; Dierks, 40; Janssen, 15; Jones, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-805, Reissue Revised Statutes of Nebraska; to change provisions relating to care and maintenance expenses; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Connealy, 16; Jensen, 20;

Schimek, 27; Suttle, 10; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-634, Reissue Revised Statutes of Nebraska; to change provisions relating to corrections of birth or death certificates; to provide powers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-509, Reissue Revised Statutes of Nebraska; to change preliminary examination provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 29-501 to 29-503, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 985. Introduced by Redfield, 12; Bruning, 3; Hilgert, 7; Jensen, 20; Preister, 5; Quandahl, 31; Schmitt, 41; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2106, Reissue Revised Statutes of Nebraska, and section 77-2004, Revised Statutes Supplement, 1998; to change the exemption amount subject to inheritance tax; to create a fund; to provide funding to counties; to eliminate an obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 77-2040, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 986. Introduced by Redfield, 12; Baker, 44; Bruning, 3; Hilgert, 7; Jensen, 20; Kremer, 34; Quandahl, 31; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to postsecondary education; to adopt the In the Line of Duty Dependent Education Act; and to provide severability.

LEGISLATIVE BILL 987. Introduced by Redfield, 12; Baker, 44; Beutler, 28; Brown, 6; Bruning, 3; Crosby, 29; Dierks, 40; Engel, 17; Hilgert, 7; Jensen, 20; Kiel, 9; Kremer, 34; Preister, 5; Quandahl, 31; Raikes, 25; Robak, 22; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2732, Reissue Revised Statutes of Nebraska, and sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 1998; to change income tax rate schedules and deduction amounts for certain spouses; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 988. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-533, Reissue Revised Statutes of Nebraska; to eliminate the annual review of

parental involvement policies; and to repeal the original section.

LEGISLATIVE BILL 989. Introduced by Connealy, 16; Beutler, 28; Bourne, 8; Brashear, 4; Bromm, 23; Bruning, 3; Hilgert, 7; Matzke, 47; Dw. Pedersen, 39; Smith, 48.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1816, Reissue Revised Statutes of Nebraska; to change provisions relating to arraignment; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Beutler, 28; Smith, 48.

A BILL FOR AN ACT relating to the documentary stamp tax; to amend section 76-902, Reissue Revised Statutes of Nebraska; to exempt certain deeds and trust deeds as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 991. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-108, 60-117, 60-301, 60-305.04, 60-310, 60-311.03, 60-311.04, 60-311.05, 60-311.08, 60-311.09, 60-311.12, 60-311.13, 60-311.16, 60-311.21, 60-311.25, 60-315, 60-320, 60-321, 60-323, 60-324, 60-331, 60-331.03, 60-334, 60-345, 60-683, 60-1306, and 81-2005, Reissue Revised Statutes of Nebraska, sections 18-1736 and 18-1737, Revised Statutes Supplement, 1998, and sections 60-304, 60-305.16, 60-311, 60-311.02, 60-311.14, 60-311.23, 60-315.01, 60-335, 60-1901, 60-1902, 60-1903, and 60-1908, Revised Statutes Supplement, 1999; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 992. Introduced by Landis, 46; Matzke, 47; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,167, 81-15,169, 81-15,173, 81-15,174, 81-15,175, and 81-15,176, Reissue Revised Statutes of Nebraska; to create a fund; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 993. Introduced by Landis, 46; Price, 26.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-605, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1999; to provide that use of a mobile telephone creates a rebuttable presumption of contributory negligence as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 994. Introduced by Dw. Pedersen, 39; at the request

of the Governor.

A BILL FOR AN ACT relating to law enforcement; to amend sections 81-1401, 81-1402, 81-1403, 81-1404, 81-1406, 81-1410, 81-1413, 81-1414, and 81-1428, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Law Enforcement Training Center; to state intent; to change and provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-1703 and 18-1704, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 995. Introduced by Robak, 22; Kiel, 9.

A BILL FOR AN ACT relating to the Health Carrier Grievance Procedure Act; to amend section 44-7306, Reissue Revised Statutes of Nebraska; to change provisions relating to grievance registers; and to repeal the original section.

LEGISLATIVE BILL 996. Introduced by Robak, 22.

A BILL FOR AN ACT relating to schools; to state intent; to provide for school violence prevention teams; and to provide powers and duties.

LEGISLATIVE BILL 997. Introduced by Robak, 22; Price, 26; Redfield, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,219 and 60-6,222, Reissue Revised Statutes of Nebraska; to require lighted headlights and taillights during windshield wiper operation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 998. Introduced by D. Pederson, 42; Aguilar, 35; Cudaback, 36; Engel, 17; Matzke, 47; Quandahl, 31.

A BILL FOR AN ACT relating to jails; to amend section 47-121, Reissue Revised Statutes of Nebraska; to authorize audits of claims for reimbursement for boarding state prisoners; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 999. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to liquefied petroleum gas; to amend sections 57-501 to 57-506, Reissue Revised Statutes of Nebraska; to change provisions relating to cylinders and containers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1000. Introduced by Schrock, 38; Bruning, 3; Hartnett, 45; Smith, 48.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities

Construction Assistance Act; to amend sections 81-1532, 81-15,152, and 81-15,153, Reissue Revised Statutes of Nebraska; to provide for grants as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-1533, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1001. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to schools; to amend sections 79-1077 and 79-1078, Revised Statutes Supplement, 1998; to provide duties for the county clerk relating to affiliation; and to repeal the original sections.

LEGISLATIVE BILL 1002. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to electronic mail; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to prohibit acts relating to unsolicited electronic mail and advertising; to provide for civil actions and penalties; to harmonize provisions; to provide severability; and to repeal the original section.

EASE

The Legislature was at ease from 12:23 p.m. until 12:29 p.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1003. Introduced by Schrock, 38; Brown, 6; Dierks, 40; Hilgert, 7; Price, 26; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to education; to amend section 77-2716, Revised Statutes Supplement, 1998; to establish an education savings plan; to create funds; to provide for administration of the plan; to harmonize provisions; to provide operative dates; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Engel, 17; Baker, 44; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Byars, 30; Connealy, 16; Coordsen, 32; Crosby, 29; Dickey, 18; Dierks, 40; Hartnett, 45; Jensen, 20; Jones, 43; Kremer, 34; Matzke, 47; D. Pederson, 42; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schmitt, 41; Schrock, 38; Smith, 48; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196 and 60-6,197, Revised Statutes Supplement, 1999; to recognize certain out-of-state convictions for purposes of assessing penalties; and to repeal the original sections.

LEGISLATIVE BILL 1005. Introduced by Engel, 17.

A BILL FOR AN ACT relating to foster care; to amend sections 71-1902, 71-1904, and 71-1905, Reissue Revised Statutes of Nebraska, and sections 71-1901 and 71-1903, Revised Statutes Supplement, 1998; to provide for training as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1006. Introduced by Engel, 17; Connealy, 16; Dickey, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 23-224 and 23-259, Reissue Revised Statutes of Nebraska, and sections 77-3442, 77-3443, and 77-3444, Revised Statutes Supplement, 1999; to change provisions relating to the levy authority of townships; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1007. Introduced by Redfield, 12; Bruning, 3; Hilgert, 7.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Reissue Revised Statutes of Nebraska; to clarify certain representation obligations of labor organization; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Chambers, 11; Brashear, 4.

A BILL FOR AN ACT relating to the criminal justice system; to amend sections 29-2261, 29-2521.02, and 81-1425, Reissue Revised Statutes of Nebraska, and Laws 1999, LB 76A, section 1; to provide powers and duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to appropriate and reappropriate funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1009. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend sections 54-1185 and 54-2014, Revised Statutes Supplement, 1999; to change requirements for brand inspection at open markets; and to repeal the original sections.

LEGISLATIVE BILL 1010. Introduced by Baker, 44; Bohlke, 33; Bromm, 23; Engel, 17; Jones, 43; Kremer, 34; Matzke, 47; Raikes, 25; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to educational land; to amend sections

72-240.26, 72-257, 72-258, and 72-258.02, Reissue Revised Statutes of Nebraska, and section 72-204, Revised Statutes Supplement, 1999; to define a term; to change procedures relating to classification and sale of land; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 283. Introduced by Crosby, 29.

WHEREAS, Marjorie Marlette covered the courts and the correctional system as a reporter for the Lincoln Journal for 31 years; and

WHEREAS, Marjorie Marlette served on the Parole Board for two years; and

WHEREAS, Marjorie was active in the anti-death penalty movement and national correctional issues; and

WHEREAS, Marjorie Marlette died in November 1999.

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

1. That the Legislature extends its sympathy to the family of Marjorie Marlette.

2. That a copy of this resolution be sent to her family.

Laid over.

LEGISLATIVE RESOLUTION 284. Introduced by Hudkins, 21.

WHEREAS, on February 3, 1943, during the height of the Second World War, the U.S.S. Dorchester, a United States transport ship en route to Newfoundland with fifty other service vessels, was torpedoed by a German U-boat in icy seas approximately one hundred miles off the coast of Greenland; and

WHEREAS, among the more than nine hundred men aboard the U.S.S. Dorchester at the time of the attack were four U.S. Army Chaplains: George L. Fox (Methodist), Alexander D. Goode (Jewish), Clark V. Poling (Dutch Reformed), and John P. Washington (Roman Catholic); and

WHEREAS, During the approximately eighteen minutes that it took the U.S.S. Dorchester to sink, the four Army Chaplains worked together, comforting, directing to safety, and distributing life jackets to their frightened shipmates; and

WHEREAS, when the ship's supply of life jackets was exhausted, all four of the Army Chaplains voluntarily surrendered their own preservers to men who had none; and

WHEREAS, eye-witnesses reported last observing the four Army Chaplains standing arm-in-arm and praying together on deck as the U.S.S. Dorchester slipped beneath the ocean surface; and

WHEREAS, the four Army Chaplains rendered their selfless and lifesaving assistance to all, regardless of religion, creed, or any other concern save the welfare of their fellow servicemen; and

WHEREAS, many of the only 230 survivors of the sinking of the U.S.S. Dorchester, the third costliest U.S. loss of its kind during the war, owed their safety to the valor and self-sacrifice of the four Army Chaplains; and

WHEREAS, the heroic deeds of the four Army Chaplains continue to exemplify the highest ideals of personal bravery, interfaith compassion, nobility of conduct, and single-minded dedication to the service of both God and man.

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

1. That to commemorate the fifty-sixth anniversary of the sinking of the U.S.S. Dorchester and honor the memories and intrepid actions of Pastor Fox, Rabbi Goode, Pastor Poling, and Father Washington, as well as the spirit of ecumenicism which they represent, the Legislature hereby designates February 3, 2000, as "Four Chaplains Day."

2. That a copy of this resolution be sent to The Immortal Chaplains Foundation in Minneapolis, Minnesota.

Laid over.

LEGISLATIVE RESOLUTION 285. Introduced by Baker, 44.

WHEREAS, George W. Norris served Nebraska as a United States Representative from 1903-1913 and as a United States Senator from 1913-1943; and

WHEREAS, high on the list of achievements of George W. Norris is the creation of the Tennessee Valley Authority. He left a legacy of public power in every state except Hawaii, and especially in his home state of Nebraska. The public power districts and the rural electric associations of Nebraska provide one hundred percent of electric power in Nebraska, a cost-effective expression of local control and self-sufficiency; and

WHEREAS, George W. Norris was instrumental in the establishment of a nonpartisan, unicameral legislative body in the State of Nebraska, the first session of which convened on January 5, 1937; and

WHEREAS, since 1981, January 5 has been set aside as George W. Norris Day, a special day in Nebraska to honor the longtime Nebraska politician.

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

1. That January 5, 2000, be recognized as the first George W. Norris Day of this millennium. May we share his commitment to a better life for all people, and may his standard of service be a yardstick by which each of us tests our own objectives, appraises our own methods, and measures our own accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 286. Introduced by Crosby, 29.

WHEREAS, Durward B. "Woody" Varner spent much of his time and

energy in promoting the educational and cultural life of Nebraska; and

WHEREAS, Woody Varner served as the chancellor and president of the University of Nebraska and the chief executive of the NU Foundation; and

WHEREAS, Woody and his wife, Paula, worked to build the arts in Nebraska, as well as education, including the Lied Center for Performing Arts; and

WHEREAS, Woody Varner died Saturday, October 30, 1999, after a lifetime of service to the public through enhancement of Nebraska's educational institutions and cultural vitality.

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

1. That the Legislature extends its sympathy to the family of D.B. "Woody" Varner.
2. That a copy of this resolution be sent to his family.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 905. No objections. So ordered.

ANNOUNCEMENT

Senator Wickersham announced the Committee on Revenue will hold a public hearing on Wednesday, January 12, 2000, at 1:00 p.m. in Room 1524, to consider changes to the base limitation rate as required by Section 77-3446.

VISITORS

Visitors to the Chamber were Geraldo Hernandez from Puerto Rico and Mr. and Mrs. Bob Williamson from Humboldt.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 12:36 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 10:00 a.m., Thursday, January 6, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 6, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 6, 2000

PRAYER

The prayer was offered by Rev. Harland Johnson, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Landis who was excused; and Senators Beutler, Chambers, Dierks, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 6, 2000.

The motion prevailed.

EASE

The Legislature was at ease from 10:08 a.m. until 10:37 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1011. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for adult basic education programs; and to declare an emergency.

LEGISLATIVE BILL 1012. Introduced by Bruning, 3; Hartnett, 45; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 1999; to eliminate a grace period for a registration and licensing violation; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1013. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-208, Reissue Revised Statutes of Nebraska; to change the limitations period for certain actions; and to repeal the original section.

LEGISLATIVE BILL 1014. Introduced by Hartnett, 45; Bruning, 3; Dw. Pedersen, 39; Preister, 5; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska; to eliminate disqualifications for greenbelt valuation; and to repeal the original section.

LEGISLATIVE BILL 1015. Introduced by Kremer, 34; Coordsen, 32; Dierks, 40; Engel, 17; Hudkins, 21; Jones, 43; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to county assessors; to amend section 23-3201, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Supplement, 1998; to change procedures for the transfer of the assessment function to the Property Tax Administrator; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1016. Introduced by Janssen, 15; Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3002 and 60-3006, Revised Statutes Supplement, 1999; to provide an exemption from motor vehicle taxes and fees for Purple Heart recipients; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Matzke, 47; Baker, 44; Connealy, 16; Coordsen, 32; Dierks, 40; Jones, 43; Kremer, 34; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1344, and 77-5023, Revised Statutes Supplement, 1998, and section 79-1016, Revised Statutes Supplement, 1999; to change provisions relating to valuation of agricultural and horticultural land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1018. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14; and Connealy, 16; Cudaback, 36; Janssen, 15; Kremer, 34; Lynch, 13; D. Pederson, 42.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1401.02, 60-1403.01, 60-1417, 60-1434, and 60-1438, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to licenses, franchises, motor vehicle sales, and consumer care or service facilities; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1019. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Reissue Revised Statutes of Nebraska; to change powers and duties of the Director of Motor Vehicles; and to repeal the original section.

LEGISLATIVE BILL 1020. Introduced by Schrock, 38; Connealy, 16; Hudkins, 21; Matzke, 47; Raikes, 25; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,298 and 60-6,299, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1999; to provide for the distribution of fees; to allow local authorities to issue vehicle overweight permits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1021. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1423, 49-1489, 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1493, Revised Statutes Supplement, 1999; to change provisions relating to filings required by lobbyists and principals and statements of financial interests; to require reporting of certain gifts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1022. Introduced by Robak, 22; Kiel, 9; Suttle, 10;

Thompson, 14.

A BILL FOR AN ACT relating to corrections; to create the Community Criminal Justice Treatment Task Force; to provide intent and establish duties; and to provide a termination date.

LEGISLATIVE BILL 1023. Introduced by Hudkins, 21; Dierks, 40.

A BILL FOR AN ACT relating to veterinarians; to amend sections 71-1,158, 71-1,160, and 71-1,161, Reissue Revised Statutes of Nebraska; to provide for licensure of graduates of foreign institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Suttle, 10; Bourne, 8; Hilgert, 7; Kiel, 9.

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

LEGISLATIVE BILL 1025. Introduced by Suttle, 10; Byars, 30; Price, 26.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Scholarship Act, the Nursing Incentive to Practice Act, the Nursing Student Loan Act, the Nursing Loan Repayment Act, and the Nebraska Center for Nursing Act.

LEGISLATIVE BILL 1026. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,110, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to motor vehicle impoundment; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1999; to prohibit nitrous oxide power booster systems on motor vehicles as prescribed; to harmonize provisions; and to repeal the original section.

EASE

The Legislature was at ease from 10:41 a.m. until 11:13 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1028. Introduced by Schmitt, 41; Dierks, 40.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-101, Revised Statutes Supplement, 1999; to provide that chelation therapy is not grounds for a charge of unprofessional conduct; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1029. Introduced by Jensen, 20; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to health services; to create an advisory committee; to provide requirements for health worker safety; and to provide duties.

LEGISLATIVE BILL 1030. Introduced by Thompson, 14; Bourne, 8; Bruning, 3; Connealy, 16; Hilgert, 7; Dw. Pedersen, 39; Redfield, 12; Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1999; to create the offense of identity theft; and to repeal the original section.

LEGISLATIVE BILL 1031. Introduced by Thompson, 14; Bruning, 3; Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1823, Reissue Revised Statutes of Nebraska; to change a fee for certain deeds and certificates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1032. Introduced by Price, 26.

A BILL FOR AN ACT relating to motor vehicles; to provide for license plates designated for veterans; and to declare an emergency.

LEGISLATIVE BILL 1033. Introduced by Thompson, 14; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to the Clean Air Act; to amend section 71-5707, Revised Statutes Supplement, 1999; to prohibit smoking in certain designated areas; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1034. 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 1035. Introduced by Stuhr, 24; Baker, 44; Crosby,

29; Hilgert, 7; Hudkins, 21; Price, 26; Schrock, 38.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1420, 28-1421, 28-1423 to 28-1427, and 28-1429.02, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 1998; to define terms; to change provisions and penalties relating to minors; to provide duties for licensees; to provide a penalty for manufacturing certain false identification; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1036. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-1028, Revised Statutes Supplement, 1999; to exclude certain payments by schools from the maximum levy amount and the allowable growth rate; and to repeal the original sections.

LEGISLATIVE BILL 1037. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to liens; to amend section 60-1903, Revised Statutes Supplement, 1999; to provide limits on artisan's liens with respect to lienholders of record as prescribed; to limit costs to recover abandoned vehicle collateral; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Quandahl, 31; Kiel, 9.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1740, Reissue Revised Statutes of Nebraska; to provide powers to close loans at other locations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1039. Introduced by Quandahl, 31; Kiel, 9.

A BILL FOR AN ACT relating to revenue and taxation; to provide for reduction of tax levies as prescribed.

LEGISLATIVE BILL 1040. Introduced by Beutler, 28; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to water quality monitoring; to provide for a study; to provide duties for the Department of Environmental Quality; and to state intent relating to appropriations.

LEGISLATIVE BILL 1041. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4401, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Supplement, 1999; to change provisions relating to the commercial fertilizer fee; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1042. Introduced by Wickersham, 49; Kristensen, 37.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend sections 77-202.04, 77-5003, 77-5005, and 77-5009, Revised Statute Supplement, 1998, and section 77-1519, Revised Statutes Supplement, 1999; to increase the number of commissioners; to provide for panels; to change duties of special masters; to change procedures for appeals to the Court of Appeals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1043. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-1511, Reissue Revised Statutes of Nebraska; to change certain standards of review; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to Tax Equity and Educational Opportunities Support Act; to amend section 79-1016, Revised Statutes Supplement, 1999; to change the calculation of state aid value; and to repeal the original section.

LEGISLATIVE BILL 1045. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4106, Reissue Revised Statutes of Nebraska; to disallow refunds of certain sales taxes; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Wickersham, 49; Bohlke, 33; Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4107, Reissue Revised Statutes of Nebraska, section 77-27,188.02, Revised Statutes Supplement, 1998, and section 77-4112, Revised Statutes Supplement, 1999; to require payment of interest on recaptured tax credits and incentives; to provide for applicability; and to repeal the original

sections.

LEGISLATIVE BILL 1047. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Reissue Revised Statutes of Nebraska, and sections 77-4101, 77-4104, and 77-4112, Revised Statutes Supplement, 1999; to provide for adjustment of investment levels; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1048. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1704, 77-1705, 77-1721, 77-1738, 77-1739, 77-1801, and 77-1862, Reissue Revised Statutes of Nebraska, and sections 77-1716 to 77-1718, Revised Statutes Supplement, 1998; to authorize installment payments for certain property taxes; to provide duties and procedures; to change provisions related to delinquent taxes on mobile homes; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1049. Introduced by Wickersham, 49; Redfield, 12; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to the Air and Water Pollution Control Tax Refund Act; to eliminate an act; to provide for applicability; and to outright repeal sections 77-27,149 to 77-27,155, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1050. Introduced by Suttle, 10; Beutler, 28.

A BILL FOR AN ACT relating to telephone solicitation; to amend section 75-156, Reissue Revised Statutes of Nebraska; to define terms; to provide duties for telephone solicitors; to provide for procedures and appeals; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1051. Introduced by Robak, 22; Crosby, 29; Suttle, 10.

A BILL FOR AN ACT relating to medical assistance; to state intent; to define terms; and to provide for assistance for persons with a medically improved disability as prescribed.

LEGISLATIVE BILL 1052. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend section 54-170, Revised Statutes Supplement, 1999; to provide for a registered dairy program; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1053. Introduced by Jones, 43; Kremer, 34; Schmitt, 41; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-561 and 37-564, Reissue Revised Statutes of Nebraska, and sections 37-226 and 37-613, Revised Statutes Supplement, 1999; to change provisions relating to raccoons; to redefine a term; to eliminate a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. Introduced by Jones, 43; Baker, 44; Kremer, 34; Schmitt, 41; Smith, 48.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend section 72-201, Revised Statutes Supplement, 1999; to change membership requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1055. Introduced by Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 1998; to change a time limit for the correction of clerical errors; and to repeal the original section.

LEGISLATIVE BILL 1056. Introduced by Jones, 43; Bromm, 23; Cudaback, 36; Dierks, 40; Hudkins, 21; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-1089, Revised Statutes Supplement, 1999; to change provisions relating to audits of Class I districts; and to repeal the original section.

LEGISLATIVE BILL 1057. Introduced by Jones, 43; Connealy, 16; Dickey, 18; Dierks, 40; Engel, 17; Hudkins, 21; Kremer, 34; Redfield, 12; Schmitt, 41; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend sections 77-202 and 77-5201, Revised Statutes Supplement, 1999; to create a personal property tax credit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Wickersham, 49; Matzke, 47; Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-1005.01, Revised Statutes Supplement, 1999; to change state aid calculations; and to repeal the original section.

LEGISLATIVE BILL 1059. Introduced by Bourne, 8; Connealy, 16.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1999; to create an offense of ticket scalping; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1060. 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 1061. Introduced by Bourne, 8; Hilgert, 7; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3504 and 77-3530, Reissue Revised Statutes of Nebraska; to redefine household income; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 1062. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.04 and 81-885.24, Reissue Revised Statutes of Nebraska; to provide an exemption from the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Bourne, 8; Hilgert, 7; Suttle, 10.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 1998; to change an application date; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Senator Cudaback asked unanimous consent to have his name added as cointroducer to LB 289A. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 126. No objections. So ordered.

Senators Jones and Price asked unanimous consent to have their names added as cointroducers to LB 987. No objections. So ordered.

ANNOUNCEMENT

Senator Dw. Pedersen designates LB 652 as his priority bill.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1064. Introduced by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for expansion of the Western Nebraska Veterans' Home.

LEGISLATIVE BILL 1065. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,108, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to operating a motor vehicle during a period of license suspension, revocation, or impoundment; and to repeal the original section.

LEGISLATIVE BILL 1066. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-485, 66-487, 66-488, 66-491, 66-492, 66-4,114, 66-4,147, 66-525, 66-527, 66-651, 66-654, 66-667, 66-673, 66-674, 66-675, 66-684, 66-694, 66-698, 66-6,110, 66-6,115, 66-719, 66-722, 66-723, and 66-727, Reissue Revised Statutes of Nebraska, and sections 66-681, 66-718, and 66-1521, Revised Statutes Supplement, 1998; to change provisions relating to exporters, permits, licenses, penalties, and filings; to define and redefine terms; to eliminate obsolete provisions and provisions relating to tax collection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-493, 66-4,115, 66-691.01, 66-696, and 66-730, Reissue Revised Statutes of Nebraska; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 287CA. Introduced by Jones, 43; Schmitt, 41.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 6:

III-6 "The Legislature shall consist of not more than ~~fty~~ fifty-five members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law."

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 maximum number of members of the Legislature.

For
Against".

Referred to the Reference Committee.

VISITORS

Visitors to the Chamber were Allen Bergman from Alexandria, Virginia; LaVern and Mary Ann Quiring from Hampton; and Ben Davison, Lisa Decker, Dan Kennedy, Allison Kline, Kelly Kuiken, Marta Niziolek, and Cheryl Pattie from Dana College, Blair.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 11:24 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Friday, January 7, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 7, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 7, 2000

PRAYER

The prayer was offered by Rev. Harland Johnson, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Crosby and Landis who were excused; and Senators Beutler, Byars, Engel, Hartnett, Hudkins, Kiel, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Speaker Kristensen moved that the Rules, as now in our possession, be adopted for today only, Friday, January 7, 2000.

The motion prevailed.

REFERENCE COMMITTEE REPORT

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

LB/LR	Committee
LB 884	General File
LB 885	General File
LB 886	General File
LB 887	General File

LB 888	General File
LB 889	General File
LB 890	General File
LB 891	General File
LB 892	General File
LB 893	General File
LB 894	General File
LB 895	Revenue
LB 896	Education
LB 897	Business and Labor
LB 898	Health and Human Services
LB 899	Judiciary
LB 900	Natural Resources
LB 901	Natural Resources
LB 902	Natural Resources
LB 903	Natural Resources
LB 904	Natural Resources
LB 905	General Affairs
LB 906	Transportation
LB 907	Judiciary
LB 908	Judiciary
LB 909	Education
LB 910	Transportation
LB 911	Health and Human Services
LB 912	General Affairs
LB 913	General Affairs
LB 914	Health and Human Services
LB 915	Business and Labor
LB 916	Revenue
LB 917	Banking, Commerce and Insurance
LB 918	Banking, Commerce and Insurance
LB 919	Revenue
LB 920	Health and Human Services
LB 921	Judiciary
LB 922	Judiciary
LB 923	Health and Human Services
LB 924	Revenue
LB 925	Revenue
LB 926	Judiciary
LB 927	Judiciary
LB 928	Revenue
LB 929	Banking, Commerce and Insurance
LB 930	Banking, Commerce and Insurance
LB 931	Banking, Commerce and Insurance
LB 932	Banking, Commerce and Insurance
LB 933	Government, Military and Veterans Affairs
LB 934	Government, Military and Veterans Affairs
LB 935	Government, Military and Veterans Affairs

LB 936 Revenue
LB 937 Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Senator Lynch designates LB 659 as his priority bill.

Senator Kremer designates LB 1018 as his priority bill.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Rule 3, Section 2(b)

(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 statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its member, 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 statute. Both the preliminary and final reports shall establish geographically symmetrical representation within the individual committees by insuring that the three caucuses are represented, as equally as possible, on each of the committees to which appointments are made. To preserve this geographic integrity, those appointed to nine-member committees may not exchange committee seat assignments between caucuses. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by a 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.

Rule 3, Section 3

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

Agriculture	8 members
<u>Agriculture, Environment and Natural Resources</u>	9 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members

Business and Labor	7 members
Education	8 9 members
General Affairs	8 7 members
Government, Military and Veterans Affairs	8 7 members
Health and Human Services	7 members
Judiciary	8 7 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members
Revenue	8 9 members
Transportation	8 members
<u>Transportation and Telecommunications</u>	<u>9</u> members
Urban Affairs	7 members

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

Rule 3, Section 6

Sec. 6 Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such a 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. Standing committees shall be scheduled to meet the following number of days per week:

<u>Agriculture, Environment and Natural Resources</u>	<u>3</u> days
<u>Appropriations</u>	<u>5</u> days
<u>Banking, Commerce and Insurance</u>	<u>2</u> days
<u>Business and Labor</u>	<u>1</u> day
<u>Education</u>	<u>2</u> days
<u>General Affairs</u>	<u>1</u> day
<u>Government, Military and Veterans Affairs</u>	<u>3</u> days
<u>Health and Human Services</u>	<u>3</u> days
<u>Judiciary</u>	<u>4</u> days
<u>Nebraska Retirement Systems</u>	<u>Subject to call by the Chair</u>
<u>Revenue</u>	<u>3</u> days
<u>Transportation and Telecommunications</u>	<u>2</u> days
<u>Urban Affairs</u>	<u>1</u> day

The rules changes shall become effective January 3, 2001.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Hilgert's birthday.

EASE

The Legislature was at ease from 10:09 a.m. until 10:32 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1067. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-482 and 66-4,141 to 66-4,144, Revised Statutes Supplement, 1998; to change the manner of setting variable fuel tax rates; to eliminate the State Tax Board; to harmonize provisions; to repeal the original sections; to outright repeal sections 77-501 to 77-503, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 1068. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Reissue Revised Statutes of Nebraska; to provide fees for searching records as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1069. Introduced by Baker, 44; Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend section 46-692, Reissue Revised Statutes of Nebraska; to change provisions relating to cost-share assistance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1070. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1999; to adopt the Agricultural Property Tax Credit Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 2-4808, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Production Contract Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1072. Introduced by Hartnett, 45; Bruning, 3.

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 harmonize provisions; to provide an operative date; and to

repeal the original sections.

LEGISLATIVE BILL 1073. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 1999; to change tax levy limit provisions; and to repeal the original section.

LEGISLATIVE BILL 1074. 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; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1075. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

A BILL FOR AN ACT relating to the State Highway Commission; to amend section 39-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings; and to repeal the original section.

LEGISLATIVE BILL 1076. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,140, 60-6,230, and 60-6,232, Reissue Revised Statutes of Nebraska; to change provisions relating to rotating or flashing lights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Railway Council; to amend sections 66-4,100 and 74-1413, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of expenses; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Bruning, 3; Hilgert, 7; Redfield, 12.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to use of the 911 system.

LEGISLATIVE BILL 1079. Introduced by Schrock, 38; Chambers, 11; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-954, 16-230, and 17-563, Reissue Revised Statutes of Nebraska, section 81-2,147.06, Revised Statutes Supplement, 1998, and sections 28-401 and 28-405, Revised Statutes Supplement, 1999; to provide for cultivation of industrial hemp; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1080. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to digital signatures; to amend section 86-1701, Reissue Revised Statutes of Nebraska; to provide for use of electronic communications by state government; and to repeal the original section.

LEGISLATIVE BILL 1081. Introduced by Cudaback, 36; Lynch, 13.

A BILL FOR AN ACT relating to counties; to amend sections 47-119 and 47-119.01, Reissue Revised Statutes of Nebraska; to redefine a term; to provide for reimbursement to counties for parolees' detention expenses; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.07, Revised Statutes Supplement, 1999; to exempt certain motor vehicle sales from sales taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to state employees; to adopt the Nebraska Cares Act.

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 701:
AM1990

(Amendments to AM0719)

- 1 1. On page 1, line 23, after the period insert
- 2 "Before the commission may construct any division fence
- 3 described in this section, the landowner shall file a written
- 4 request for the construction of such fence with the commission.";
- 5 and in line 24 after "(2)" insert "The cost-share responsibility of
- 6 the commission for division fences shall not exceed the amount
- 7 appropriated to the commission by the Legislature for such purpose
- 8 during any biennium, except that the commission may use any funds
- 9 specifically gifted or obtained by grant application to the
- 10 commission the sole purpose of which is to provide division fencing

11 for a state recreational trail.

12 (3)".

Senator Dierks filed the following amendment to LB 604:
AM1991

- 1 1. On page 2, line 13; page 4, line 17; page 7, line 2;
- 2 and page 8, line 18, strike "December 22" and insert "February 28".

EASE

The Legislature was at ease from 10:35 a.m. until 10:54 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1084. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Business Corporation Act; to amend section 21-2001, Reissue Revised Statutes of Nebraska; to grant effect to certain acknowledgements; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1085. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend section 29-3931, Revised Statutes Supplement, 1998, and sections 49-506 and 49-617, Revised Statutes Supplement, 1999; to change provisions relating to operations; to provide for distribution of session laws, the legislative journal, and statutes as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1086. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 2-219, 9-1,104, 9-204.01, 9-226, 9-232.02, 9-232.03, 9-233, 9-241.03, 9-255.06, 9-322, 9-328, 9-329, 9-329.02, 9-345.01, 9-345.03, 9-418, 9-425, 9-426, 9-501, 9-507, 9-509, and 9-620, Reissue Revised Statutes of Nebraska; to provide for biennial licenses and fees; to change provisions relating to state, district, and county fairs, fingerprinting requirements, bingo cards, and lottery and raffle winner determinations; to change and provide powers and duties; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1087. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 83-162.04, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1999; to provide for a transfer of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1088. 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 tax credits for employer-sponsored and employer-provided child care; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-6,196, Revised Statutes Supplement, 1999; to change penalty provisions with respect to alcohol assessments; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1090. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102, 60-106, 60-117, and 60-314, Reissue Revised Statutes of Nebraska; to prohibit the sale of certain vehicles to persons without a motor vehicle operator's license; to change provisions relating to certificates of title; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1091. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to infants and juveniles; to amend section 43-801, Reissue Revised Statutes of Nebraska; to change provisions relating to parental liability; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Robak, 22; Dierks, 40; Janssen, 15; Jones, 43; Schmitt, 41; Tyson, 19.

A BILL FOR AN ACT relating to agriculture; to state intent; and to provide for a state meat inspection pilot program.

LEGISLATIVE BILL 1093. Introduced by Stuhr, 24; Baker, 44; Janssen, 15; Kremer, 34.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-101, Revised Statutes Supplement, 1999; to create the offense of theft of video rental property; to provide penalties; to provide an affirmative defense; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1094. Introduced by Jensen, 20; Dickey, 18; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Revised Statutes Supplement, 1999; to change provisions relating to violations by the licensee; to provide penalties; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Jensen, 20; Byars, 30; Dickey, 18.

A BILL FOR AN ACT relating to physicians; to amend section 71-147, Revised Statutes Supplement, 1999; to adopt the Physician Self-Referral Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1096. Introduced by Redfield, 12; Byars, 30; Coordsen, 32; Cudaback, 36; Dickey, 18; Dierks, 40; Quandahl, 31; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1999; to adopt the Personal Identity Defense Act; to create the offense of identity fraud; to define terms; to provide penalties; to provide for civil recourse; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1097. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-1908 and 86-1911, Reissue Revised Statutes of Nebraska; to change cramming provisions; to provide for a civil penalty; and to repeal the original sections.

LEGISLATIVE BILL 1098. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Municipal Infrastructure Redevelopment Fund Act; to amend sections 18-2601 to 18-2603 and 18-2606 to 18-2608, Reissue Revised Statutes of Nebraska, and section 77-3,119, Revised Statutes Supplement, 1998; to provide for the issuance of bonds payable from the fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1099. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to provide for refunds of sales and use taxes paid relating to film production; to harmonize provisions; and to repeal the original section.

RESOLUTION**LEGISLATIVE RESOLUTION 288.** Introduced by D. Pederson, 42.

WHEREAS, lifeguards are trained to recognize the warning signs of swimmers in trouble and to react quickly; and

WHEREAS, lifeguards Ryan Thompson, Jered Jorgensen, and Eric Danielson rescued a nine-year-old boy and, through the application of life-saving techniques carried out until paramedics arrived, saved his life; and

WHEREAS, lifeguards Ryan Thompson, Jered Jorgensen, and Eric Danielson are to be commended for the skill and performance they demonstrated in administering such techniques and procedures and in saving the life of a nine-year-old boy at the North Platte Recreation Complex.

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

1. That the Legislature congratulates and commends these three young men and Supervisor and Lifeguard Training Instructor Trudy Merritt for their valiant efforts and quick actions. Their selfless act will compel each of us to become more aware of our own contributions to the preservation of society and our neighbors.

2. That a copy of this resolution be sent to the families of each of these young men and Supervisor Merritt.

Laid over.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 383:
AM1951

(Amendments to Standing Committee amendments, AM0428)

- 1 1. Strike amendments 1 through 3 and insert the
- 2 following new amendments:
- 3 "1. On page 3, line 20, strike '1999' and insert '2000'.
- 4 2. On page 4, lines 18 through 28, strike the new
- 5 matter.
- 6 3. On page 7, line 13, strike '1999' and insert '2000';
- 7 and in line 14 strike 'one-half' and insert 'one-tenth'.

8 4. On page 11, line 23, strike '1999' and insert
9 '2000'."

UNANIMOUS CONSENT - Add Cointroducers

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 175. No objections. So ordered.

Senator Kristensen asked unanimous consent to have his name added as cointroducer to LB 949. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 905. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

Senator Suttle asked unanimous consent to have her name added as cointroducer to LB 1026. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 1065. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 905. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 910. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1100. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1327, Revised Statutes Supplement, 1999; to change provisions relating to assessment of property; to provide for creation of a sales file; and to repeal the original section.

VISITORS

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 10:57 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Monday, January 10, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 10, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 10, 2000

PRAYER

The prayer was offered by Father Thomas Leitner, St. Benedict Center, Schuyler, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Crosby, Suttle, and Wickersham who were excused; and Senators Brown and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOMENT OF SILENCE

A moment of silence was observed in memory of Governor Robert Crosby who passed away Friday, January 7, 2000.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the Rules, as now in our possession, be adopted for today only, Monday, January 10, 2000.

Senator Chambers requested a record vote on the motion to adopt temporary rules.

Voting in the affirmative, 37:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Byars	Connealy	Coordsen
Cudaback	Dickey	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Price	Redfield	Robak
Schmitt	Schrock	Smith	Stuhr	Thompson
Vrtiska	Wehrbein			

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Bohlke	Dierks	Preister	Quandahl	Raikes
Schimek				

Excused and not voting, 5:

Brown	Crosby	Suttle	Tyson	Wickersham
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The motion to adopt temporary rules prevailed with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced Saturday, January 8, was Senator Kremer's birthday.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and appointments:

LB/LR	Committee
LB 938	Judiciary
LB 939	Natural Resources
LB 940	Judiciary
LB 941	Revenue
LB 942	Revenue
LB 943	Revenue
LB 944	Revenue
LB 945	Revenue
LB 946	Revenue
LB 947	Revenue
LB 948	Revenue
LB 949	Revenue
LB 950	Health and Human Services
LB 951	Transportation

LB 952	Appropriations
LB 953	Business and Labor
LB 954	Banking, Commerce and Insurance
LB 955	Revenue
LB 956	Government, Military and Veterans Affairs
LB 957	Agriculture
LB 958	Agriculture
LB 959	Agriculture
LB 960	Agriculture
LB 961	Agriculture
LB 962	Revenue
LB 963	Health and Human Services
LB 964	Agriculture
LB 965	Health and Human Services
LB 966	Judiciary
LB 967	Revenue
LB 968	Revenue
LB 969	Transportation
LB 970	Transportation
LB 971	Judiciary
LB 972	Judiciary
LB 973	General Affairs
LB 974	Judiciary
LB 975	General Affairs
LB 976	General Affairs
LB 977	General Affairs
LB 978	Appropriations
LB 979	General Affairs
LB 980	Natural Resources
LB 981	Health and Human Services
LB 982	General Affairs
LB 983	Health and Human Services
LB 984	Judiciary
LB 985	Revenue
LB 986	Education
LB 987	Revenue

Abbott, Allan - Nebraska Transit and Rail Advisory Council -
Transportation

Acklie, Duane - State Highway Commission - Transportation

Akerson, Jeffrey - State Board of Health - Health and Human Services

Anderson, James - Board of Public Roads Classifications and Standards -
Transportation

Augustine, Samuel - State Board of Health - Health and Human Services

Bauer, James - Board of Public Roads Classifications and Standards - Transportation

Becker, Chris - Board of Emergency Medical Services - Health and Human Services

Beins, Bruce - Board of Emergency Medical Services - Health and Human Services

Bettger, Robert E. - Environmental Quality Council - Natural Resources

Black, Rick - Public Employees Retirement Bd. - Nebraska Retirement Systems

Blake, William - Commission of Industrial Relations - Business and Labor

Bleich, Christine - State Emergency Response Commission - Government, Military and Veterans Affairs

Boyle, Ann - Nebraska Transit and Rail Advisory Council - Transportation

Brueggemann, William - Crime Victims Reparation Committee - Judiciary

Burger, G. Pete - Commission of Industrial Relations - Business and Labor

Carson, Charles - Volunteer Service Award Benefit Review Board - Urban Affairs

Contonis, Daniel - Public Employees Retirement Board - Nebraska Retirement Systems

Datus, Randall - Board of Emergency Medical Services - Health and Human Services

Dietz, James - State Electrical Board - General Affairs

Eitel, Duane - Nebraska Transit and Rail Advisory Council - Transportation

Fagerland, Jerome - Nebraska Highway Commission - Transportation

Figard, Roger - Nebraska Transit and Rail Advisory Council - Transportation

Flower, Rhonda - Nebraska Liquor Control Commission - General Affairs

Ford, Scot - Crime Victims Reparation Committee - Judiciary

Frederick, Roy - Beginning Farmer Board - Agriculture

George, Riley - State Electrical Board - General Affairs

Gilfillan, Dave - Nebraska Transit and Rail Advisory Council -
Transportation

Gomez, Mike - Board of Parole - Judiciary

Grove, Lee - Nebraska Ethanol Board - Natural Resources

Grutsch, Michael - Board of Emergency Medical Services - Health and
Human Services

Heckman, Barbara - Foster Care Review Board - Health and Human
Services

Herald, Kim - State Emergency Response Commission - Government,
Military and Veterans Affairs

Hilferty, Dave - Nebraska Ethanol Board - Natural Resources

Hoover, David - State Board of Health - Health and Human Services

Janssen, Georgia - Nebraska Transit and Rail Advisory Council -
Transportation

Keller, M. Jane - Board of Educational Lands and Funds - Education

Kingsbury, John - State Highway Commission - Transportation

Knobbe, Harry - Beginning Farmer Board - Agriculture

Kuckkahn, Rick - State Emergency Response Commission - Government,
Military and Veterans Affairs

Lazure, Linda - State Board of Health - Health and Human Services

Matzke, Gerald - Board of Emergency Medical Services - Health and
Human Services

Mayer, Travis - Volunteer Service Award Benefit Review Board - Urban
Affairs

Mullen, Paul - Nebraska Transit and Rail Advisory Council -
Transportation

Neth, Beverly - Motor Vehicles, Director - Transportation

Nutt, Thomas L. - Nebraska Commission on Compulsive Gambling -
General Affairs

Ongerth, Michael - Nebraska Transit and Rail Advisory Council - Transportation

Pohlmann, Dale - Beginning Farmer Board - Agriculture

Reimers, Mark - State Emergency Response Commission - Government, Military and Veterans Affairs

Reynolds, Mark - Tax Equalization and Review Commission - Revenue

Rogers, Thompson - Nebraska Arts Council - General Affairs

Ross, Nicholas - Volunteer Service Award Benefit Review Board - Urban Affairs

Ruby, Richard - Board of Public Roads Classifications and Standards - Transportation

Schiefen, James - State Board of Health - Health and Human Services

Schram, Timothy - Board of Public Roads Classifications and Standards - Transportation

Schweitzer, Clarence - Volunteer Service Award Benefit Review Board - Urban Affairs

Seever, Samuel F. - State Personnel Board - Government, Military and Veterans Affairs

Sjulin, R. Paul - Nebraska Arts Council - General Affairs

Stine, Greg - Nebraska Investment Council - Nebraska Retirement Systems

Stinnette, Randall - Game and Parks Commission - Natural Resources

Stuckey, Todd, M.D. - Rural Health Advisory Commission - Health and Human Services

Tagge, Darold - Board of Public Roads Classifications and Standards - Transportation

Teller, Fred - Nebraska Arts Council - General Affairs

Templar, James - Volunteer Service Award Benefit Review Board - Urban Affairs

Thieman, Henry - Board of Public Roads Classifications and Standards - Transportation

Tichota, Robert - Volunteer Service Award Benefit Review Board - Urban Affairs

Timmerman, Gerald - Beginning Farmer Board - Agriculture

Vieregger, Henry - Board of Public Roads Classifications and Standards - Transportation

Wais, Tom - Nebraska Transit and Rail Advisory Council - Transportation

Wees, David - Volunteer Service Award Benefit Review Board - Urban Affairs

Wessling, Tim - Volunteer Service Award Benefit Review Board - Urban Affairs

Westcott, Marvin - Game and Parks Commission - Natural Resources

Wilson, Dennis - Nebraska Transit and Rail Advisory Council - Transportation

Wolfe, Robert - Nebraska Arts Council - General Affairs

Wolford, Greg - State Highway Commission - Transportation

Wood, Steve - State Emergency Response Commission - Government, Military and Veterans Affairs

Wood, Keith - Volunteer Service Award Benefit Review Board - Urban Affairs

Wright, Greg - Nebraska Transit and Rail Advisory Council - Transportation

Yank, Lisa - Rural Health Advisory Commission - Health and Human Services

Zutavern, Bill - Beginning Farmer Board - Agriculture

Zutavern, Meredith - Nebraska Arts Council - General Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Senator Baker designates LB 1010 as his priority bill.

Senator Hilgert designates LB 907 as his priority bill.

The Natural Resources Committee designates LB 900 as its priority bill.

ATTORNEY GENERAL'S OPINION

Opinion #00003

DATE: January 5, 2000

SUBJECT: Open Enrollment for Medicare Supplemental Insurance

REQUESTED BY: Senator Merton L. Dierks, Legislative District 40

WRITTEN BY: Don Stenberg, Attorney General
Mark D. Starr, Assistant Attorney General

You have expressed an intention to offer legislation this session which would make it clear that all persons who qualify for Medicare – not merely those who qualify due to age -- also qualify for the open enrollment for Medicare Supplemental Insurance. However, you indicated concerns had been expressed about such legislation being redundant and have asked for our assistance in ensuring that the legislation avoid being labeled as unnecessarily duplicative.

The Medicare program provides payment for certain medical services for persons 65 years of age or older, disabled beneficiaries and persons with end-stage renal disease. 63 Fed. Reg. 67078 (Dec. 4, 1998). Medicare Supplemental Insurance, as the name suggests, is available to cover some of the medical expenses not covered by Medicare. In the past, state law defined such policies with reference to persons eligible for Medicare due to age. See Neb. Rev. Stat. § 44-3602(7) (1989 Supp.). But in 1992 the definition was changed to remove the reference to age-based eligibility. 1992 Neb. Laws LB 1006, §20.

The fact that a Medicare Supplemental Insurance product could be designed to provide coverage for persons whose eligibility for Medicare did not depend upon their age would not necessarily address things like open enrollment or guaranteed issuance of such supplemental insurance. Therefore, it cannot be said that expressly addressing such things in state law would be redundant.

The product is governed extensively by federal regulations and by standards of the National Association of Insurance Commissioners (NAIC), which, by federal law, the states must adopt. According to a Notice published by the Health Care Financing Administration which described the changes made to the Social Security Act by the Balanced Budget Act of 1997 (BBA), prior to the enactment of the BBA, Medicare beneficiaries had only one opportunity to purchase a Medigap policy on a "guaranteed issue" basis. Beneficiaries had a six month open enrollment window beginning when they were 65 years of age or older and enrolled in Medicare Part B. 63 Fed. Reg. 67080 (Dec. 4, 1998). The Insurance Department's regulations on Medicare Supplement Insurance tracked this language. The BBA now expands the circumstances where issuance of a policy is guaranteed. "[T]he guaranteed issue provisions in

section 1882(s)(3)(B) (i) through (v) do not contain an age restriction. Therefore, the latter provisions apply by their terms both to individuals eligible for Medicare based on age, and those whose eligibility is based on disability or ESRD." 63 Fed. Reg. 67080 (Dec. 4, 1998). The Insurance Department has adopted conforming regulations.

Still, we suspect the governing laws and regulations do not provide the sort of open enrollment you envision for persons whose eligibility is not due to age. It does not appear that legislative action on the subject would be prohibited at the state level, however. "States maintain the authority to enact provisions that are more stringent than those that are incorporated in the NAIC Model Regulation or in the statutory requirements. See section 1882(b)(1)(A) of the Act." 63 Fed. Reg. 67079 (Dec. 4, 1998). According to the 1997 Medicare Handbook of the Health Care Financing Administration, "several states (Connecticut, Maine, Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin) require at least a limited Medigap open enrollment period for Medicare beneficiaries under 65." *Id.* at 4. Perhaps the law of one of these states would provide a useful model. We, of course, express no opinion on the wisdom or desirability of such legislation.

Sincerely,
Don Stenberg
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

26-188-10.3

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1101. Introduced by Aguilar, 35; Baker, 44; Bromm, 23; Bruning, 3; Coordsen, 32; Dickey, 18; Jensen, 20; Jones, 43; Dw. Pedersen, 39; Price, 26; Robak, 22; Schmitt, 41; Smith, 48; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to older persons; to adopt the Nebraska Senior Companion Volunteer Program Act; and to appropriate funds.

LEGISLATIVE BILL 1102. Introduced by Aguilar, 35; Dickey, 18; Redfield, 12; Schmitt, 41.

A BILL FOR AN ACT relating to drug paraphernalia; to amend sections 28-439, 28-440, 28-441, 28-442, 28-443, and 28-444, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1999; to state intent; to define and redefine terms; to provide and change

provisions relating to criminal offenses and penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1103. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-966, Reissue Revised Statutes of Nebraska; to change the membership of medical facility boards; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to deferred compensation; to amend section 84-1504, Reissue Revised Statutes of Nebraska, and section 48-1401, Revised Statutes Supplement, 1999; to change provisions relating to state and county deferred compensation plans; to redefine a term; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1999; to change provisions relating to taxation of agricultural land; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1106. Introduced by Wickersham, 49; Bohlke, 33; Dierks, 40; Raikes, 25; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend section 32-912, Reissue Revised Statutes of Nebraska; to change provisions relating to partisan ballots at primary elections; and to repeal the original section.

LEGISLATIVE BILL 1107. Introduced by Wickersham, 49; Bohlke, 33; Coordsen, 32; Dierks, 40; Engel, 17; Matzke, 47; D. Pederson, 42; Raikes, 25; Schrock, 38; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to school finance; to amend section 79-1008.02, Revised Statutes Supplement, 1998, and sections 77-3442 and 79-1015.01, Revised Statutes Supplement, 1999; to change the calculation of local effort rate; to adjust levy amounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1108. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to audiologists and speech-language pathologists; to amend sections 71-1,187 and 71-1,194, Reissue Revised Statutes of Nebraska; to change provisions relating to temporary licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1109. Introduced by Coordsen, 32; Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to exempt purchases for grain warehouses for sales tax purposes; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1110. Introduced by Landis, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-201, Reissue Revised Statutes of Nebraska; to change provisions relating to commencement and limitation of civil actions; to repeal the original section; and to declare an emergency.

MOTION - Adopt Permanent Rules

Senator Hudkins moved to adopt the permanent rules for the Ninety-Sixth Legislature, Second Session.

Senator Hudkins renewed the Rules Committee's proposed rules changes, found on page 167.

Senator Chambers requested a division of the question on the proposed rules changes.

The Chair sustained the division of the question.

The first proposed rules change is as follows:

Rule 3, Section 3

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

Transportation	<u>8 members</u>
<u>Transportation and Telecommunications</u>	<u>9 members</u>

Senator Chambers offered the following amendment to the first proposed rules change:

"Transportation Committee" name change –
Strike "9" and insert "8"

The Chambers amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

The first proposed rules change, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

The second proposed rules change is as follows:

Rule 3, Section 3

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

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

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

Senator Chambers offered the following amendment to the second proposed rules change:

Rule 3, Sec 3

1. Strike and show as stricken:

"Appropriations 9 Members" and "Revenue 9 Members" and insert "Appropriations and Revenue 15 Members"

Senators Bohlke and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

PRESIDENT MAURSTAD PRESIDING

Senator 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 1111. Introduced by Landis, 46.

A BILL FOR AN ACT relating to secured transactions; to adopt the Nebraska Governmental Unit Security Interest Act; and to provide an operative date.

LEGISLATIVE BILL 1112. Introduced by Schrock, 38; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to water wells; to amend sections 46-602.01, 46-604, 46-637, 46-656.07, 46-656.25, 46-656.31, 46-1204.01, 46-1227, 46-1229, 46-1233, 46-1238, 46-1239, and 46-1241, Reissue Revised Statutes of Nebraska, and sections 46-606 and 46-1224, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to registration; to provide a penalty; to eliminate a report and a signature requirement; to harmonize provisions; to repeal the original sections; and to outright repeal section 46-602, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1113. Introduced by Lynch, 13; Robak, 22.

A BILL FOR AN ACT relating to behavioral health services; to state intent; and to provide duties.

LEGISLATIVE BILL 1114. 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 procedures for adoption of a local option sales tax; and to repeal the original section.

LEGISLATIVE BILL 1115. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Dickey, 18; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to health and human services; to amend sections 18-1738, 37-1254.06, 48-1903, 60-4,164.01, 60-6,201, 60-6,202,

60-6,204, 68-1050, 71-1,132.07, 71-1,132.08, 71-1,143, 71-1,147.01, 71-1,160, 71-1704 to 71-1708, 71-1709.01 to 71-1710, 71-1712, 71-1714, 71-1716 to 71-1716.03, 71-1716.05, 71-1717, 71-1718.01, 71-1718.02, 71-1721, 71-1721.07, 71-1723 to 71-1727, 71-4401, 71-5303, 71-5306, and 79-221, Reissue Revised Statutes of Nebraska, sections 68-1021, 71-168.02, 71-1,147.57, 71-1,147.58, 71-1,198, 71-1,339, 71-541, 71-1722, 71-2610.01, 71-3505, 71-5191, 71-5662, 71-5663, 71-5665, 71-5668, 71-8207, and 79-214, Revised Statutes Supplement, 1998, and sections 28-405, 44-2847, 71-168, 71-1,103, 71-1,132.11, 71-1735, 71-1913.01, and 71-3507, Revised Statutes Supplement, 1999; to change provisions relating to advanced registered nurse practitioners, schedules of controlled substances, medical review panels, medical assistance, managed care, veterinarians, radiography, rabies vaccination and control, and public water supply regulation; to repeal the Clinical Laboratories Certification Act and a prohibition on gifts as prescribed; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-6802 to 71-6815.01, 71-6817 to 71-6831, and 83-120, Reissue Revised Statutes of Nebraska, and sections 71-6801 and 71-6816, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 1116. Introduced by Schimek, 27; Beutler, 28; Landis, 46; Price, 26; Raikes, 25.

A BILL FOR AN ACT relating to cities of the primary class; to amend sections 3-503, 3-706, 13-316, 13-510, 13-918, 15-1026, and 18-2716, Reissue Revised Statutes of Nebraska, section 77-3523, Revised Statutes Supplement, 1998, and sections 13-503 and 13-511, Revised Statutes Supplement, 1999; to provide for biennial budgeting; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1117. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to political subdivisions; to eliminate the Convention Center Facility Financing Assistance Act and the Local Civic, Cultural, and Convention Center Financing Act; to outright repeal sections 13-2601 to 13-2612 and 13-2701 to 13-2710, Revised Statutes Supplement, 1999; and to declare an emergency.

LEGISLATIVE BILL 1118. 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, 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, sections 28-105 and 28-201, Revised

Statutes Supplement, 1998, and section 27-803, Revised Statutes Supplement, 1999; 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 1119. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,153, 44-2909, and 48-446, Reissue Revised Statutes of Nebraska, and sections 44-522 and 48-151, Revised Statutes Supplement, 1999; to adopt the Property and Casualty Insurance Rate and Form Act; to eliminate the Property and Casualty Insurance Data Reporting Act and the Property and Casualty Insurance Rate and Form Act; to harmonize provisions; to provide severability; to provide operative dates; to repeal the original sections; and to outright repeal sections 44-4601 to 44-4607, 44-5001 to 44-5019, and 44-5021 to 44-5039, Reissue Revised Statutes of Nebraska, and section 44-5020, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1120. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to home inspections; to adopt the Home Inspection Professional Licensing Act.

LEGISLATIVE BILL 1121. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to insurance; to amend sections 44-5223, 44-5225, 44-5246.02, 44-6901, and 44-6915, Reissue Revised Statutes of Nebraska; to define and redefine terms relating to enrollment dates, preexisting conditions, and waiting periods; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1122. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2501, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; to provide an exemption for certain sanitary and improvement districts; and to repeal the original section.

LEGISLATIVE BILL 1123. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7;

Preister, 5; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend sections 48-302.01, 48-310, and 48-446, Reissue Revised Statutes of Nebraska, and section 48-303, Revised Statutes Supplement, 1999; to change provisions relating to worker safety programs; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Coordsen, 32; Baker, 44; Bromm, 23; Byars, 30; Connealy, 16; Cudaback, 36; Dierks, 40; Engel, 17; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Matzke, 47; Raikes, 25; Robak, 22; Schmitt, 41; Schrock, 38; Smith, 48; 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, sections 77-112, 77-201, 77-1344, 77-1359, 77-1361, and 77-1362, Revised Statutes Supplement, 1998; to state intent; to change and eliminate provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-1360.01, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 1125. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Aguilar, 35; Bourne, 8; Bruning, 3; Jensen, 20; Kremer, 34; Schmitt, 41; Tyson, 19.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-821 and 8-822, Reissue Revised Statutes of Nebraska; to change provisions relating to personal loans; and to repeal the original sections.

LEGISLATIVE BILL 1126. Introduced by Janssen, 15; Hartnett, 45; Lynch, 13; Quandahl, 31; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to local governments; to amend section 13-2203, Reissue Revised Statutes of Nebraska; to authorize expenditures for funeral memorials; and to repeal the original section.

LEGISLATIVE BILL 1127. Introduced by Landis, 46; Preister, 5.

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

LEGISLATIVE BILL 1128. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to bonds; to amend sections 2-117, 10-106, 10-107, 10-110, 10-117, 10-119, 10-122, 10-126, 10-128, 10-132, 10-140,

10-201 to 10-202, 10-410, 10-707, 13-1103, 14-1717, 17-968, 23-389, 23-3561, 23-3563, 23-35,116, 31-342, 31-531, 31-759, 39-841, 39-1632, 39-2207, 46-1,106, 46-270, and 85-1522, Reissue Revised Statutes of Nebraska, and section 77-2387, Revised Statutes Supplement, 1998; to change and eliminate provisions relating to registration of bonds and powers and duties of the Auditor of Public Accounts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 10-108, 10-109, 10-118, 10-118.01, 10-121, 18-2132, 23-3562, 23-3564, 31-341, and 31-446, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1129. Introduced by Robak, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 14-1702, 14-1726, 18-1709, 35-107, 60-465, 60-610, 60-6,114, 60-6,119, 60-6,138, 60-6,141, 60-6,144, 60-6,151, 60-6,160, 60-6,193, 60-6,229, 60-6,231, 60-6,233, 60-6,250, 60-6,267, 60-6,285, and 60-6,364, Reissue Revised Statutes of Nebraska, and sections 71-5187 and 71-5191, Revised Statutes Supplement, 1998; to authorize bicycles to be emergency units; to require training as prescribed; to redefine a term; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1130. Introduced by Tyson, 19; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-180.02, 53-180.04, and 53-180.05, Reissue Revised Statutes of Nebraska; to change provisions relating to minors' violations; to change provisions relating to license suspension for illegal sales; to provide for compliance checks; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1131. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to municipal improvements; to amend section 19-2402, Reissue Revised Statutes of Nebraska; to change provisions relating to municipal water and sanitary sewer service extension district limits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1132. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 19-3315, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 1999; to authorize a property tax levy for offstreet parking districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1133. Introduced by Tyson, 19; Baker, 44; Bruning, 3; Dierks, 40; Hudkins, 21; Jensen, 20; Jones, 43; Dw. Pedersen, 39;

Quandahl, 31; Redfield, 12; Schmitt, 41; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to eliminate the offense of carrying a concealed weapon; to create the offense of carrying a weapon with unlawful intent; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1134. Introduced by Tyson, 19; Crosby, 29; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to libraries; to amend section 77-3442, Revised Statutes Supplement, 1999; to authorize issuance of bonds for technology equipment and services; to provide an exemption from levy limitations; and to repeal the original section.

LEGISLATIVE BILL 1135. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Cudaback, 36; Janssen, 15; Quandahl, 31; Schmitt, 41; Smith, 48; Vrtiska, 1; and Kremer, 34.

A BILL FOR AN ACT relating to state government; to amend sections 2-5103, 10-127, 13-203, 13-206, 13-207, 21-2102, 21-2104, 21-2109, 39-1110, 39-2201, 44-2814, 44-2827, 44-2829, 44-2832, 44-2835, 44-5261, 44-5263, 46-656.05, 46-656.60, 48-622.01, 48-622.03, 48-649, 58-703, 58-709, 66-1337, 71-1,313, 71-1902, 71-1904, 71-1905, 71-4903, 71-5001 to 71-5003, 71-5007, 71-5008, 71-5009, 71-5014, 71-5015, 71-5021, 71-5022, 71-5025, 71-5032, 71-5033, 71-5034, 71-5040, 71-6803, 71-6806, 71-6807, 71-6810, 71-6819, 71-6830, 71-7102, 79-1312, 81-177, 81-823, 81-1609, 81-1611, 81-1612, 81-1616, 83-162.04, 85-167, 85-169, 85-170, 85-171, 85-1002, 85-1005, and 86-1301, Reissue Revised Statutes of Nebraska, sections 20-139, 66-4,144, 71-155.01, 71-1,147.41, 71-1,147.48, 71-1,147.55, 71-1,329, 71-1901, 71-1903, 71-5027, 71-7106, 71-7107, 71-7108, 71-7109, 71-7110, 71-8244, and 81-5,147, Revised Statutes Supplement, 1998, and sections 18-2147.01, 71-1,144.01, 71-1,144.04, 71-5009.01, and 79-1110, Revised Statutes Supplement, 1999; to eliminate certain boards, committees, commissions, authorities, councils, and task forces; to change and provide powers and duties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-4902, 2-5104, 2-5105, 9-1,102, 39-2202, 39-2220, 44-2812, 44-2815, 44-2837, 44-2838, 44-2839, 44-5231, 46-656.61, 48-610, 58-401 to 58-442, 58-704, 71-1,144.02, 71-4902, 71-5004, 71-5005, 71-5006, 71-6804, 71-6829, 72-720, 72-721, 72-722, 77-2704.18, 77-5101, 77-5103, 77-5104, 79-1326, 79-1502, 81-5,150, 81-818, 81-820, 81-821, 81-822, 81-1120.33, 81-1120.34, 81-1610, 85-166, 85-1008, 86-1307, and 90-405, Reissue Revised Statutes of Nebraska, sections 68-1037.06, 71-1,147.59, 71-1,147.60, 71-5054, 71-7105, 71-8251, 71-8252, 72-2001 to 72-2004, 77-5102, 77-5105, 79-1183.01, 79-1327, and 81-5,149, Revised Statutes Supplement, 1998, and sections 43-2610 and 71-1906.02,

Revised Statutes Supplement, 1999, are repealed.

LEGISLATIVE BILL 1136. Introduced by Bromm, 23; Baker, 44; Crosby, 29; Dierks, 40; Hartnett, 45; Kremer, 34; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Redfield, 12; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908 and 77-3806, Reissue Revised Statutes of Nebraska, section 77-2734.03, Revised Statutes Supplement, 1998, and section 77-2715.07, Revised Statutes Supplement, 1999; to adopt the Elementary and Secondary Scholarship Assistance Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1137. Introduced by Bromm, 23; Bohlke, 33; Dierks, 40; Engel, 17; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4104.01 and 77-4107, Reissue Revised Statutes of Nebraska, and section 77-4112, Revised Statutes Supplement, 1999; to require compliance with environmental laws, rules, and regulations as a requirement for certain tax incentives; to harmonize provisions; to provide for applicability of changes; and to repeal the original sections.

LEGISLATIVE BILL 1138. Introduced by Revenue Committee; Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 46-656.17, 77-27,136, 77-27,137.01, 77-27,137.02, 77-27,139, 77-27,139.04, 81-15,158, and 83-380, Reissue Revised Statutes of Nebraska, sections 71-5326, 77-3,119, 77-27,137, 77-27,139.02, 77-27,139.03, and 77-27,144, Revised Statutes Supplement, 1998, and sections 13-518, 77-913, 77-1704.01, and 77-3618, Revised Statutes Supplement, 1999; to change provisions relating to state aid to political subdivisions; to eliminate obsolete provisions and a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-27,138.01 and 77-27,139.01, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1139. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Read, Educate, and Develop Youth Act; and to create a fund.

LEGISLATIVE BILL 1140. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to licensed practical nurses; to amend sections 71-1775 to 71-1777, 71-1780, 71-1781, and 71-1784, Reissue

Revised Statutes of Nebraska, section 71-1778, Revised Statutes Supplement, 1998, and section 71-1774, Revised Statutes Supplement, 1999; to change provisions relating to delegation and supervision of certain responsibilities and requirements for certification; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-340, 71-3,106, and 71-3,224, Revised Statutes Supplement, 1999; to define terms; to provide and change provisions relating to licensure exemptions; to change provisions relating to nail technology schools; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1142. Introduced by Robak, 22; Kiel, 9; Suttle, 10.

A BILL FOR AN ACT relating to insurance; to provide liability for damages caused by health care treatment decisions as prescribed; and to provide an operative date.

LEGISLATIVE BILL 1143. Introduced by Schmitt, 41; Beutler, 28; Bruning, 3; Cudaback, 36; Janssen, 15; Jones, 43; Quandahl, 31; Raikes, 25; Schimek, 27; Smith, 48; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to archaeological resources preservation; to adopt the Nebraska Archaeological Resources Preservation Act; and to provide penalties.

LEGISLATIVE BILL 1144. Introduced by Byars, 30.

A BILL FOR AN ACT relating to optometrists; to amend sections 71-161.10 and 71-1,136.01, Revised Statutes Supplement, 1999; to change provisions relating to continuing education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1145. Introduced by Landis, 46.

A BILL FOR AN ACT relating to bonds; to amend section 10-126, Reissue Revised Statutes of Nebraska; to change provisions relating to the redemption of certain school bonds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1146. Introduced by Baker, 44; Connealy, 16; Coordsen, 32; Jones, 43; Kremer, 34.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-625, 60-6,133, 60-6,288, 60-6,290, 60-6,298, and 60-6,301, Reissue Revised Statutes of Nebraska, and section 60-4,146.01,

Revised Statutes Supplement, 1999; to redefine a term; to change weight and length provisions; to provide an overload exception; to eliminate a special permit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1147. Introduced by Dw. Pedersen, 39; Beutler, 28; Preister, 5.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Natural Heritage License Plates; to provide powers and duties for the Department of Motor Vehicles and the Game and Parks Commission; and to provide fees.

LEGISLATIVE BILL 1148. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to installment loan licenses; to amend section 45-116, Reissue Revised Statutes of Nebraska; to authorize the securitization of loans by affiliates of licensees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by Brashear, 4; Beutler, 28; Bohlke, 33; Bourne, 8; Brown, 6; Bruning, 3; Crosby, 29; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jensen, 20; Kiel, 9; Kristensen, 37; Lynch, 13; Dw. Pedersen, 39; D. Pederson, 42; Quandahl, 31; Redfield, 12; Thompson, 14; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend section 77-4901, Revised Statutes Supplement, 1998; to eliminate a limitation on applications; to harmonize provisions; to repeal the original section; to outright repeal section 77-4935, Revised Statutes Supplement, 1998; and to declare an emergency.

LEGISLATIVE BILL 1150. Introduced by Janssen, 15; Baker, 44; Schrock, 38.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 1999; to change provisions relating to transfers of funds, lottery game retailer compensation, and expense reports; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 1151. Introduced by Bromm, 23; Dickey, 18; Hudkins, 21; Janssen, 15; Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for critical erosion or water quality areas.

RESOLUTIONS

LEGISLATIVE RESOLUTION 289CA. Introduced by Schimek, 27; Janssen, 15; Bohlke, 33; Bourne, 8; Connealy, 16; Cudaback, 36; Hilgert, 7;

Lynch, 13; Robak, 22; Schmitt, 41.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) Nothing in the statutes or Constitution of Nebraska shall be construed to prohibit or restrict gaming operated by a federally recognized Indian tribe in Nebraska on lands within the limits of the tribe's Indian reservation recognized as of October 1988 and over which the tribe has jurisdiction when such gaming is conducted in accordance with federal law."

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 permit gaming on Indian lands.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 290. Introduced by Connealy, 16.

WHEREAS, skillful, enthusiastic, and innovative teachers change the lives of countless students for the better and forever by encouraging curiosity and understanding and by contributing to the development of mind and spirit; and

WHEREAS, the United States Professors of the Year program, sponsored by The Carnegie Foundation for the Advancement of Teaching and administered by the Council for Advancement and Support of Education, is the nation's most highly respected program to recognize outstanding faculty; and

WHEREAS, the Nebraska Professor of the Year represents the thousands of dedicated university and college instructors throughout Nebraska who serve their students, their community, and their state with dedication and talent; and

WHEREAS, the State of Nebraska has long supported excellence in undergraduate teaching through competitively funding faculty salaries and through other initiatives to make our system of higher education the envy of many states and other nations; and

WHEREAS, the quality of life and the scope of opportunity for many future citizens of Nebraska will be determined by the quality of teaching in the classroom.

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

1. That the Nebraska Legislature recognizes and commends Dr. John Mark Nielsen, professor of English at Dana College, upon being named the 1999 Nebraska Professor of the Year.

Laid over.

LEGISLATIVE RESOLUTION 291CA. Introduced by Brashear, 4; Beutler, 28; Bourne, 8; Bromm, 23; Bruning, 3; Hilgert, 7; Landis, 46; Matzke, 47; D. Pederson, 42; Quandahl, 31; Wickersham, 49.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 19:

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 the judiciary, or officers elected or appointed to a ~~court~~, board, or commission having more than one member, and the terms of ~~one or more~~ such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such ~~court~~, board, or commission may be increased or diminished at the beginning of the full term of any member thereof.

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 Constitution of Nebraska."

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 effective date of compensation changes for the judiciary.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 292. Introduced by Kristensen, 37.

WHEREAS, Robert B. Crosby was born on March 26, 1911, in North Platte, Nebraska. He earned his undergraduate degree at the University of Minnesota and his law degree in 1935 at Harvard University; and

WHEREAS, Bob Crosby was elected to the Nebraska Legislature in 1941 and 1943, and in 1943 became Speaker of the Legislature. He volunteered for the United States Navy in 1944 during World War II and served in the Navy's legal department. He was elected Lieutenant Governor from 1947 to 1949; and

WHEREAS, Bob Crosby was elected Governor and served a two-year term from 1953 to 1955. During his term as Governor he improved the state

highway system, sought to reform the personal property tax, and appointed two United States Senators, Eva Bowring and Sam Reynolds. Bob campaigned for the office of United States Senator in 1954; and

WHEREAS, Bob Crosby practiced law in Nebraska for 63 years, while still remaining active in politics. His legal interests included natural resources and water rights, and he continued to promote and improve the state highway system; and

WHEREAS, Bob Crosby married LaVon Stuart on May 22, 1971. Their many interests together included music, theater, travel, and their faith, and especially being with each other and with their children and grandchildren. Bob was also a lifelong tennis player. Bob wholeheartedly supported LaVon's work in the Nebraska Legislature, becoming, as LaVon said, "The best little sign-pounder I had!"; and

WHEREAS, Bob Crosby, while active in his law practice, was also active in his community and church, including the Lincoln Senior Center, the Heart Fund, and the Cathedral of the Risen Christ, as well as others; and

WHEREAS, Bob Crosby was a landmark politician in Nebraska, and believed in and practiced politics at its highest level, demonstrating character, integrity, and honesty. And for those who knew Bob personally, he was kind, considerate, and always cheerful; and

WHEREAS, Bob Crosby died January 7, 2000; and

WHEREAS, Bob Crosby is survived by his wife, LaVon, children Robert and Susan, step-children Mary, Fred, Tim, and Mike, and by grandchildren and great grandchildren.

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

1. That the people of the State of Nebraska appreciate Bob Crosby's decades of public service, and send their condolences to LaVon Crosby and family.

2. That a copy of this resolution be sent to State Senator LaVon Crosby.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 1100. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 899 and LB 987. No objections. So ordered.

Senator D. Pederson asked unanimous consent to have his name added as cointroducer to LB 956 and LB 993. No objections. So ordered.

Senator Beutler asked unanimous consent to have his name added as

cointroducer to LB 1098. No objections. So ordered.

RECESS

At 12:01 p.m., on a motion by Senator 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 Senators Crosby, Suttle, and Wickersham who were excused; and Senators Bohlke, Brown, Jones, Kiel, Matzke, D. Pederson, Price, and Robak who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolution:

LB/LR	Committee
LB 988	Education
LB 989	Judiciary
LB 990	Revenue
LB 991	Transportation
LB 992	Natural Resources
LB 993	Judiciary
LB 994	Judiciary
LB 995	Health and Human Services
LB 996	Education
LB 997	Transportation
LB 998	Judiciary
LB 999	Natural Resources
LB 1000	Natural Resources
LB 1001	Education
LB 1002	Transportation
LB 1003	Education
LB 1004	Transportation
LB 1005	Health and Human Services
LB 1006	Revenue
LB 1007	Business and Labor
LB 1008	Judiciary
LB 1009	Agriculture
LB 1010	Education

LB 1011	Appropriations
LB 1012	Transportation
LB 1013	Judiciary
LB 1014	Revenue
LB 1015	Revenue
LB 1016	Transportation
LB 1017	Revenue
LB 1018	Transportation
LB 1019	Transportation
LB 1020	Transportation
LB 1021	Government, Military and Veterans Affairs
LB 1022	Health and Human Services
LB 1023	Health and Human Services
LB 1024	Revenue
LB 1025	Health and Human Services
LB 1026	Transportation
LB 1027	Transportation
LB 1028	Health and Human Services
LB 1029	Health and Human Services
LB 1030	Judiciary
LB 1031	Revenue
LB 1032	Transportation
LB 1033	Health and Human Services
LB 1034	General Affairs
LB 1035	Judiciary
LB 1036	Revenue
LB 1037	Judiciary
LB 1038	Banking, Commerce and Insurance
LB 1039	Revenue
LB 1040	Natural Resources
LB 1041	Revenue
LB 1042	Revenue
LB 1043	Revenue
LB 1044	Revenue
LB 1045	Revenue
LB 1046	Revenue
LB 1047	Revenue
LB 1048	Revenue
LB 1049	Revenue
LB 1050	Transportation
LB 1051	Health and Human Services
LB 1052	Agriculture
LB 1053	Natural Resources
LB 1054	Education
LB 1055	Revenue
LB 1056	Education
LB 1057	Revenue
LB 1058	Education
LB 1059	Judiciary

LB 1060 Banking, Commerce and Insurance
 LB 1061 Revenue
 LB 1062 Banking, Commerce and Insurance
 LB 1063 Revenue
 LB 1064 Appropriations
 LB 1065 Transportation
 LB 1066 Revenue

LR 287CA Executive Board

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING Transportation

LB 906	Tuesday, January 18, 2000	1:30 p.m.
LB 910	Tuesday, January 18, 2000	1:30 p.m.
LB 951	Tuesday, January 18, 2000	1:30 p.m.
LB 969	Tuesday, January 18, 2000	1:30 p.m.
LB 970	Tuesday, January 18, 2000	1:30 p.m.

(Signed) Curt Bromm, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Bruning 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 1152. Introduced by Beutler, 28; Preister, 5.

A BILL FOR AN ACT relating to game and parks; to create the Nebraska Game and Parks Millennium Trust Fund and the Nebraska Game and Parks Millennium Cash Fund; to create a board; to state intent; to provide powers and duties; and to appropriate funds.

LEGISLATIVE BILL 1153. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Excellence in Health Care Trust Fund; to amend section 71-7614, Revised Statutes Supplement, 1999; to change provisions relating to use of the fund; and to repeal the original section.

LEGISLATIVE BILL 1154. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to railroad transportation safety districts; to amend section 74-1307, Reissue Revised Statutes of Nebraska; to change provisions relating to the issuance of bonds; and to repeal the original section.

MOTION - Adopt Permanent Rules

The Chambers pending amendment, found on page 190, to the second proposed rules change, found on page 190, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment lost with 4 ayes, 31 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the second proposed rules change:

Rule 3, Sec. 3

Strike and show as stricken: All new and existing matter and insert: "Agriculture and Rural Affairs 24 Members" and "Urban Affairs 24 Members"

Senators Brashear, Connealy, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 25:

Aguilar	Beutler	Bromm	Brown	Bruning
Byars	Coordsen	Cudaback	Dickey	Engel
Hilgert	Hudkins	Jones	Kremer	Kristensen
Matzke	Pedersen, Dw.	Pederson, D.	Price	Quandahl
Raikes	Redfield	Stuhr	Thompson	Vrtiska

Present and not voting, 15:

Baker	Bohlke	Bourne	Dierks	Hartnett
Janssen	Jensen	Kiel	Lynch	Preister
Robak	Schimek	Schmitt	Schrock	Smith

Excused and not voting, 8:

Brashear	Connealy	Crosby	Landis	Suttle
Tyson	Wehrbein	Wickersham		

The Chambers amendment lost with 1 aye, 25 nays, 15 present and not voting, and 8 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1155. Introduced by Wehrbein, 2; Cudaback, 36.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.07, Reissue Revised Statutes of Nebraska; to change provisions relating to corporate losses; and to repeal the original section.

LEGISLATIVE BILL 1156. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to volunteer fire companies; to amend section 35-108, Reissue Revised Statutes of Nebraska; to change provisions relating to group term life insurance; and to repeal the original section.

LEGISLATIVE BILL 1157. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to elections; to amend sections 19-405 and 32-606, Revised Statutes Supplement, 1999; to change filing deadlines for candidates for city council in certain cities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1158. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to counties; to amend section 23-114, Revised Statutes Supplement, 1999; to require zoning resolutions; and to repeal the original section.

LEGISLATIVE BILL 1159. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-107 and 17-208, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1160. Introduced by Bruning, 3; Quandahl, 31; at the request of the Governor.

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

LEGISLATIVE BILL 1161. Introduced by Bohlke, 33; Dierks, 40; Schrock, 38.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1010 and 79-1072.04, Revised Statutes Supplement, 1999; to change provisions relating to incentive payments and transfers to a fund as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1162. Introduced by Quandahl, 31; Bruning, 3; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to adopt the School-to-Career Act.

LEGISLATIVE BILL 1163. Introduced by Thompson, 14; Beutler, 28; Bohlke, 33; Bourne, 8; Brashear, 4; Byars, 30; Connealy, 16; Coordsen, 32; Hartnett, 45; Jensen, 20; Kiel, 9; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; Preister, 5; Price, 26; Raikes, 25; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to authorize construction projects for the Youth Rehabilitation Centers at Geneva and Kearney as prescribed; to appropriate funds for a multipurpose building, parole revocation facility, housing, renovations, and site improvements; and to declare an emergency.

LEGISLATIVE BILL 1164. Introduced by Thompson, 14; Dw. Pedersen, 39; Price, 26.

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend sections 43-2401 to 43-2406, 43-2408, 43-2409, and 43-2411 to 43-2413, Reissue Revised Statutes of Nebraska; to eliminate a committee and coordinator; to create a coalition and coordinator; to change and eliminate grant provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 43-2407, 43-2410, and 43-2414, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1165. Introduced by Thompson, 14; Jensen, 20; Price, 26; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to juvenile services; to amend sections 33-106.03, 43-2401, and 43-2406, Reissue Revised Statutes of Nebraska; to create a fund; to increase a court fee; to change provisions relating to funding of grants; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1166. Introduced by Thompson, 14; Jensen, 20; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to juvenile services; to amend sections 29-2246 and 33-124, Reissue Revised Statutes of Nebraska; to create a fund; to change court fees; to harmonize sections; to provide duties for the Office of Probation Administration, the Office of Juvenile Services, and the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1167. Introduced by Thompson, 14; Jensen, 20; Dw. Pedersen, 39; Price, 26.

A BILL FOR AN ACT relating to juveniles; to create the Juvenile Detention and Probation Services Implementation Team; to provide duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1168. Introduced by Kiel, 9; Baker, 44; Bourne, 8; Connealy, 16; Dierks, 40; Janssen, 15; Lynch, 13; Matzke, 47; D. Pederson, 42; Quandahl, 31; Redfield, 12; Robak, 22; Schimek, 27; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1999; to provide a tax credit for fees related to Small Business Administration loans; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1169. Introduced by Bohlke, 33; Coordsen, 32; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to school finance; to create a task force; to provide duties; and to provide for termination.

RESOLUTION

LEGISLATIVE RESOLUTION 293CA. Introduced by Wehrbein, 2; Vrtiska, 1.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 VIII, section 2:

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or

authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property (a) is not owned or used for financial gain or profit to either the owner or user or (b) is owned for purposes of rehabilitating the property for sale; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

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 exemption of certain property owned for rehabilitation purposes.

For

Against".

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Bohlke filed the following amendment to LB 812:
AM2015

(Amendments to Standing Committee amendments, AM0879)

- 1 1. Strike amendment 3 and renumber the remaining
- 2 amendments accordingly.

Senator Schimek filed the following amendment to LB 729:
AM2005

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 32-1405, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-1405. (1) Prior to obtaining any signatures on an
- 6 initiative or referendum petition, a statement of the object of the
- 7 petition and the text of the measure shall be filed with the
- 8 Secretary of State together with a sworn statement containing the
- 9 names and street addresses of every person, corporation, or
- 10 association sponsoring the petition.
- 11 (2) Upon receipt of the filing, the Secretary of State
- 12 shall transmit the text of the proposed measure to the Revisor of
- 13 Statutes. The Revisor of Statutes shall review the proposed
- 14 measure and suggest changes as to form and draftmanship. The
- 15 revisor shall complete the review within ten days after receipt
- 16 from the Secretary of State. The Secretary of State shall provide
- 17 the results of the review and suggested changes to the sponsor but
- 18 shall otherwise keep them confidential for five days after receipt
- 19 by the sponsor. The Secretary of State shall then maintain the
- 20 opinion as public information and as a part of the official record
- 21 of the initiative. The suggested changes may be accepted or
- 22 rejected by the sponsor.
- 23 (3) The Secretary of State shall prepare five
- 24 camera-ready copies of the petition from the information filed by
- 1 the sponsor and any changes accepted by the sponsor and shall
- 2 provide the copies to the sponsor within five days after receipt of
- 3 the review required in subsection (2) of this section. The sponsor
- 4 shall print the petitions to be circulated from the forms provided.
- 5 (4) If the Secretary of State refuses to accept for
- 6 filing any initiative or referendum petition, any resident may
- 7 apply, within ten days after such refusal, to the district court of
- 8 Lancaster County for a writ of mandamus. If it is decided by the
- 9 court that such petition is legally sufficient, the Secretary of
- 10 State shall accept the petition for filing.
- 11 (5) If the Secretary of State accepts for filing any
- 12 initiative or referendum petition pursuant to this section, any
- 13 resident may apply to the district court of Lancaster County for an
- 14 order enjoining the Secretary of State and all other officers from
- 15 performing any of the other acts described in sections 32-1401 to
- 16 32-1416. If such a suit is filed, the person who is the sponsor of
- 17 record of the petition shall be a necessary party defendant in such
- 18 suit. If it is decided by the court that such petition is not
- 19 legally sufficient, the court shall enter an order enjoining the
- 20 Secretary of State and all other officers from performing any of

21 the acts described in sections 32-1401 to 32-1416.
22 (6) For purposes of this section, not legally sufficient
23 means that an initiative or referendum petition (a) interferes with
24 the legislative prerogative contained in the Constitution of
25 Nebraska that the necessary revenue of the state and its
26 governmental subdivisions shall be raised by taxation in the manner
27 as the Legislature may direct. (b) does not comply with sections
1 32-1401 to 32-1416, (c) would violate the Constitution of the
2 United States, (d) would violate the laws of the United States, or
3 (e) fails to substantially comply with the procedural limitations
4 imposed by the Constitution of Nebraska.
5 (7) Suits under subsections (4) and (5) of this section
6 shall be advanced on the court docket and heard and decided by the
7 court as quickly as possible. Either party may appeal to the Court
8 of Appeals within ten days after a decision is rendered. The
9 appeal procedures described in the Administrative Procedure Act
10 shall not apply to this section.
11 (4) The changes made to this section by Laws 1995, LB 337
12 shall apply to initiative and referendum petitions filed on or
13 after September 9, 1995.
14 Sec. 2. Section 32-1412, Reissue Revised Statutes of
15 Nebraska, is amended to read:
16 32-1412. (1) If the Secretary of State refuses to place
17 on the ballot any measure proposed by an initiative petition
18 presented at least four months preceding the date of the election
19 at which the proposed law or constitutional amendment is to be
20 voted upon or a referendum petition presented within ninety days
21 after the Legislature enacting the law to which the petition
22 applies adjourns sine die or for a period longer than ninety days,
23 any resident may apply, within ten days after such refusal, to the
24 district court of Lancaster County for a writ of mandamus. If a
25 suit is filed to require the Secretary of State to place the issue
26 on the ballot and the signatures have not been verified, the
27 Secretary of State shall proceed with the signature verification
1 process unless and until the suit is dismissed or the court orders
2 otherwise. If it is decided by the court that such petition is
3 legally sufficient, the Secretary of State shall order the issue
4 placed upon the ballot at the next general election.
5 (2) On a showing that an initiative or referendum
6 petition is not legally sufficient, the court, on the application
7 of any resident, may enjoin the Secretary of State and all other
8 officers from certifying or printing on the official ballot for the
9 next general election the ballot title and number of such measure.
10 If a suit is filed against the Secretary of State seeking to enjoin
11 him or her from placing the measure on the official ballot, the
12 person who is the sponsor of record of the petition shall be a
13 necessary party defendant in such suit. Any such suit may be
14 commenced at any time after the initiative or referendum petition
15 has been filed in the office of the Secretary of State pursuant to

16 section 32-1407 and prior to the election at which the initiative
 17 or referendum measure is to be submitted to the registered voters.

18 (3) Such suits shall be advanced on the court docket and
 19 heard and decided by the court as quickly as possible. Either
 20 party may appeal to the Court of Appeals within ten days after a
 21 decision is rendered. The appeal procedures described in the
 22 Administrative Procedure Act shall not apply to this section.

23 (4) The district court of Lancaster County shall have
 24 jurisdiction over all litigation arising under sections 32-1401 to
 25 32-1416.

26 (5) For purposes of this section, not legally sufficient
 27 means that an initiative or referendum petition (a) interferes with
 1 the legislative prerogative contained in the Constitution of
 2 Nebraska that the necessary revenue of the state and its
 3 governmental subdivisions shall be raised by taxation in the manner
 4 as the Legislature may direct, (b) does not comply with sections
 5 32-1401 to 32-1416, (c) would violate the Constitution of the
 6 United States, (d) would violate the laws of the United States, or
 7 (e) fails to substantially comply with the procedural limitations
 8 imposed by the Constitution of Nebraska.

9 Sec. 3. Original sections 32-1405 and 32-1412, Reissue
 10 Revised Statutes of Nebraska, are repealed."

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 7, 2000,
 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; Wellness International Network Ltd.

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.

Adams, John H. - Omaha; International Gamco, Inc.; Oasis Technologies,
 Inc.

Aggens, Christy - Lincoln; Nebraskans Against the Death Penalty

American Communications Group, Inc. - Lincoln; Center For Rural Affairs;
 Citizens for a Healthy Nebraska; Friends of the Nebraska Environmental
 Trust; 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 Examiners for Engineers & Architects; Nebraska
 Chapter of American Physical Therapy Association; Nebraska Counseling
 Association; Nebraska Emergency Medical Service Association;
 Nebraska Land Title Association; Nebraska Professional Fire Fighters
 Association; Nebraska Psychological Association; Nebraska Speech,
 Language, & Hearing Association; Papio-Missouri Natural Resources
 District

Andersen, Robert C. - Lincoln; Nebraska Cooperative Council
Anderson, Tim W. - Holdrege; Central Nebraska Public Power & Irrigation District
Arfmann, William W. - Lincoln; Nebraska Association of Public Employees, AFSCME Local 61
Ashley, Dr. Thomas - Lincoln; Lincoln Benefit Life Company
Baack, Dennis G. - Lincoln; Nebraska Community College Association
Baehr, Darcy L. - Lincoln; Nebraska Retail Federation
Bailey, Jon M. - Walthill; Center For Rural Affairs
Baker, Darryl - Beatrice; Norris Public Power District
Barta, Roy - North Platte; Nebraska Livestock Markets Association
Beattie, George - Lincoln; Nebraska Bankers Association
Becker, Timothy A. - Lincoln; Lamson, Dugan & Murray; Walter H. Radcliffe of Radcliffe & Associates
Beermann, Allen J. - Lincoln; Nebraska Press Association
Belcher, Barbara N. - Overland Park, KS; Merck & Company, Human Health Division
Bell, David - Columbus; Loup River Public Power District
Bellum, Fred - Columbus; American Association of Retired Persons
Bianco, William - Papillion; Chris Lake Association; Villa Springs Association
Boldt, Randy - Omaha; Blue Cross & Blue Shield of Nebraska
Bonaiuto, John A. - Lincoln; Nebraska Association of School Boards
Boucher, Richard - Lincoln; American Massage Therapy Association Nebraska Chapter
Bovee, Phyllis - Lincoln; American Association of Retired Persons
Brandt, Henry F. - Lincoln; Bailey-Lauerma & Associates Inc.
Brendenkamp, Troy - Lincoln; Nebraska Cattlemen
Brown, Vincent D. - Lincoln; American Petroleum Institute
Bruning, Deonne L. - Lincoln; AT&T Corp.
Buntain, David R. - Lincoln; Housing Authority of the City of Lincoln; Nebraska Medical Association
Butler, Richard J. - Lincoln; Nebraska Mortgage Association
Cady, Steven W. - Lincoln; Nebraska Pork Producers Association
Campbell, Mary M. - Lincoln; Educational Service Units; Lincoln Public Schools; Nebraska Beer Wholesalers Association; Nebraska Cable Communications Association; Nebraska Medical Association; Nebraska Wholesale Liquor Distributors Association; Region V; State Troopers Association of Nebraska, Inc.; University of Nebraska
Carlson, Karen A. - Lincoln; U S WEST
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
Chermok, Ruth - Omaha; National Electrical Contractors Association
Clark, Douglas R. - Omaha; UtiliCorp United

Clayburn, Neal - Lincoln; Lincoln Education Association
Clemens, Lisa - Minneapolis, MN; Cargill, Incorporated
Counts, Barry A. - Lincoln; Sprint/Local Telecommunications Division
Craig, Robert B. - Lincoln; The American Legion, Department of Nebraska
Cuca Jr., Ralph "Bud" - Lincoln; Nebraska Trucking Association
Cunningham, James R. - Lincoln; Nebraska Catholic Conference
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; Louis F. Davis, Jr.; 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 County Attorneys Association; Nebraska Dietetic Association; Nebraska Elk Breeders Association; Nebraska Financial Services Coalition; Nebraska Funeral Directors Association; Nebraska New Car & Truck Association; Nebraska Poultry Industries, Inc.; Nebraska Public Power District; Nebraska Rural Community Schools Association; Nebraska Water Coalition; Pfizer Inc.; Ruth & Mueller LLC; Southern Nebraska Rural Public Power District; U.S. BANCORP; Union Pacific Railroad
Cutshall, Bruce A. - Lincoln; Cutshall & Associates
DeCamp, John W. - Lincoln; Nebraska Chiropractic Physicians Association; Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln; Nebraska Municipal Power Pool (NMPP Energy)
Didier, Genenne - David City; Nebraska Brain Injury Association
Dobler, James B. - Lincoln; Farmers Mutual Insurance Company of Nebraska
Dugan, Susie - Omaha; PRIDE-Omaha, Inc.
Dulaney, Michael S. - Lincoln; Nebraska Council of School Administrators
Edson, Dean E. - Lincoln; Nebraska Association of Resources Districts
Ellerbee, Don - Hastings; Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Elliott, Joseph W. - Omaha; Professional Insurance Agents of Nebraska
Elliott, Mary Jane - Lincoln; Nebraska Health Care Association
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.
Eynon-Kokrda, Elizabeth - Omaha; Nebraska Methodist Health System, Inc.; Omaha Public Schools
Fahleson, Mark A. - Lincoln; Anderson Management Services, Inc.
Ferdinand, L. Rene' - Lincoln; The ARC of Nebraska
Ferrell, Beth Bazyn - Lincoln; Nebraska Association of County Officials
Fischer, David B. - Omaha; Union Pacific Railroad
Fisher, Dan - Lincoln; BPO ELKS, USA
Flannery, John S. - Des Moines, IA; GTE
Fleming, Richard L. - Lincoln; American Association of Retired Persons

- Fraizer, T. J. - Lincoln; American Insurance Association; Mutual of Omaha Insurance Companies
- Gady, Richard L. - Omaha; ConAgra, 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 Assoc., 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
- Goc, John J. - Lincoln; Friends of Rural Education; Metropolitan Utilities District of Omaha; Nebraska Independent Telephone Association
- Golden, Jeffrey S. - Lincoln; Children and Family Coalition of Nebraska
- Gordon, James E. - Lincoln; DeHart & Darr Associates
- Gould, John S. - Valparaiso; Common Cause Nebraska
- Graham, Ronald - Blue Springs, MO; Novartis Pharmaceuticals Corporation
- Grant, Rhonda K. - Lansing, MI; Jackson National Life Insurance Company
- Graves Jr., Eugene J. - Omaha; Metro Omaha Builders Association
- Grieser, Mary Taylor - Lincoln; Nebraska Society of Certified Public Accountants
- Griess, James R. - Malcolm; 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
- Hallstrom, Robert J. - Lincoln; National Federation of Independent Business; Nebraska Bankers Association; Nebraska Occupational Therapy Association; Nebraska Pharmacists Association; NetWorks; The Ambassador Group
- Hansen, John K. - Lincoln; Farmers Educational & Cooperative Union of Nebraska
- Harding, William A. - Lincoln; League of Nebraska Municipalities
- Harris, Nance - Lincoln; Nebraska Trucking Association
- Hartley, Shirley - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
- Hartmann, William - Seward; Associated General Contractors of America, Nebraska Chapter
- Head, Craig J. - Lincoln; Nebraska Farm Bureau Federation
- Heald, Harlan - Lincoln; Nebraska Association of Hospitals & Health Systems
- Hedman, Gary - Grand Island; Southern Nebraska Rural Public Power District
- Herrin, Sally J. - Lincoln; Farmers Educational & Cooperative Union of Nebraska
- Hogrefe, Raymond H. - Lincoln; National Association of 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, 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, Inc.
Jensen, S. Michael - Blair; Great Plains Communications
Jewell, Jan - Lincoln; DeCamp Legal Services, P.C.
Jindra, Timothy A. - Lincoln; Class Is United
Johnson, DeMaris - Lincoln; Nebraska County Attorneys Association; Nebraska Water Resources 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; Nebraska School Finance Coalition
Kay, Jason - Chicago, IL; American Association of Retired Persons
Keetle, Roger S. - Lincoln; Nebraska Association of Hospitals & Health Systems
Kelley, Michael A. - Omaha; Douglas County, Nebraska; Eastern Nebraska Human Services Agency; Horsemens 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. - Omaha; Nebraska Credit Union League, Inc.
Kevil, G. Bruce - Lincoln; Nebraska State Home Builders Association
Kilgarin, Karen - Lincoln; Nebraska State Education Association
King, Terry L. - Lincoln; Associated General Contractors of America, Nebraska Chapter
Kissel, Gordon - Lincoln; AIA Nebraska; Alegent Health; Ameristar; Amoco; Erickson & Sederstrom, P.C.; Lancaster County Board of Commissioners; Lincoln Electric System; Nebraska Cooperative Council; Nebraska Goodwill Industries; Nebraska Hearing Society; Nebraska Investment Finance Authority; Nebraska Municipal Power Pool (NMPP Energy); Nebraska Pork Producers Association; Nebraska Telecommunications Business Users Coalition; West Teleservices
Kracke, Donald - DeWitt; Nebraska Livestock Markets Association
Krannawitter, Brian - Lincoln; American Heart Association
Kratz, Dean G. - Omaha; Associated General Contractors, Nebraska

Building Chapter; Nebraska League of Savings Institutions
Krueger, Gayle E. - Lincoln; AIA Nebraska
Krumland, Gary G. - Lincoln; League of Nebraska Municipalities
Kruse, Larry D. - Blue Springs, MO; Glaxo Wellcome Inc.
Kulesher, Kate M. - Lincoln; Wyeth-Ayerst Laboratories
Lange, Robert G. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries
Larsen, Carlin L. - Chadron; U S WEST
Lindsay, John - Lincoln; O'Hara & Associates, Inc.
Lineweber, Ray L. - Lincoln; United Transportation Union
Lombardi, Richard A. - Lincoln; American Communications Group, Inc.
Lutz, Daniel R. - Lincoln; ProRail Nebraska, Inc.
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
Maline, Robert - Omaha; U S WEST
Marcus, Joan K. - Omaha; The ARC of Nebraska
Marfisi, Thomas C. - Omaha; Mayor, City of Omaha
Marshall, Kelly J. - Omaha; Pharmacia & Upjohn Inc.
Mass, Ken E. - Omaha; Nebraska State AFL-CIO
McBride, David S. - Lincoln; National Association of Insurance and Financial Advisors (NAIFA); Nebraska Optometric Association
McClure, John - Columbus; Nebraska Public Power District
McFarland, James D. - Lincoln; Nebraska High School Press Association; Nonpartisan Family Coalition
McGee, Joan Ann - Lincoln; American Association of Retired Persons
McGuire and Norby - Lincoln; 3M Traffic Materials Division; Anheuser-Busch Companies; Central Platte Natural Resources District; City of Lincoln; Crow Butte Resources, Inc.; Enterprise Rent-A-Car; Nebraska Association of Tobacco & Candy Distributors; Nebraska Corn Growers Association; Nebraska Premium Pork; Nebraska State Education Association
McGuire, Mark - Lincoln; McGuire and Norby
McKenzie, Janis M. - Lincoln; Nebraska Insurance Federation
McKinlay, Aleisa C. - Lincoln; Nebraska Advocacy Services, Inc.
Meek, Randy D. - Lincoln; Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Meerkatz, Marilyn - Lincoln; Class 1's United
Menzel, Elaine - Lincoln; Nebraska Association of County Officials
Mihovk, Donald J. - Lincoln; Nebraska Chamber of Commerce & Industry
Mikkelsen, Brian - Lincoln; Nebraska State Education Association
Mills, Guyla - Lincoln; Nonpartisan Family Coalition
Mills, Jack D. - Lincoln; Nebraska Association of County Officials
Minor, Timothy H. - Long Grove, IL; CF Industries, Inc.
Moors, H. Jack - Lincoln; McGuire and Norby
Mossman, Stephen D. - Lincoln; Private Waste Management and Recycling Association

- Moylan, James H. - Omaha; Nebraska Licensed Beverage Association; R. J. Reynolds Tobacco
- Mueller, William J. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; Associated General Contractors of America, Nebraska Chapter; AT&T Corp.; Ayars & Ayars, Inc.; Big Red Keno Ltd.; Chief Industries, Inc.; Cutshall & Associates; First Data Corporation; Harvey's Iowa Mgmt Co. d/b/a Harveys Casino & Hotel; Heartland Community Bankers Association; Kellogg Company; Lincoln Airport Authority; Lincoln Electric System; Metabolife International, Inc.; Millard Public Schools; Nebraska Academy of Eye Physicians and Surgeons; Nebraska Association of Airport Officials; Nebraska Collectors Association, Inc.; Nebraska Court Reporters Association; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska New Car & Truck Dealers Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Press Association; Nebraska Schools Construction Alternatives Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Outdoor Advertising Association of Nebraska; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Rural/Metro Medical Services; Scientific Games, Inc.; Western Sugar Company
- Naff, Clayton F. - Lincoln; Association of Nebraska Community Action Agencies
- Neidig, Bryce P. - Madison; Nebraska Farm Bureau Federation
- Nelson, Craig L. - Lincoln; Nebraska Association of County Officials
- Nielsen, Coleen J. - Lincoln; State Farm Insurance Companies
- Nowka, Trent P. - Lincoln; Cutshall & Associates
- O'Hara & Associates, Inc. - Lincoln; ADT Automotive, Inc.; Allegiance Healthcare Corporation; Alliance of Automobile Manufacturers; Blue Cross & Blue Shield of Nebraska; CFO Services, LLP; Citizens for a Healthy Nebraska; Cox Nebraska Telcom, Inc.; Finocchiaro Wine Company, Inc.; First National Bank of Omaha; GTECH Corporation; Hall County Livestock Improvement Association; Handgun Control, Inc.; Kinder Morgan, Inc. (formerly KN Energy, Inc.); Lucent Technologies, Inc.; MCI Worldcom, Inc.; Minnesota Corn Processors, Inc.; NE Chapter-Nat'l Assoc. of Housing & Redevelopment Officials; Nebraska Association of Trial Attorneys; Nebraska County Judges Association; Nebraska Humanities Council; Nebraska Soft Drink Association; Northeast Nebraska Juvenile Services, Inc.; Northern Natural Gas Company; Nucor Corporation; Omaha Public Power District; Peru State College Foundation; Pioneer Hi-Bred International; University of Nebraska; UtiliCorp United; Winnebago Tribe of Nebraska
- O'Hara, Paul V. - Lincoln; O'Hara & Associates, Inc.
- O'Neill Jr., Thomas J. - Lincoln; Assoc. of Independent Colleges & Universities of NE/AICUN
- Obermier, Duane - Lincoln; Nebraska State Education Association
- Obst, Robert E. - Grand Island; U S WEST
- Orton, Leroy - 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
Pallesen Jr., Charles M. - Lincoln; Nebraska Medical Association;
University of Nebraska
Parker, David R. - Lincoln; Great West Casualty Company; Joe Morten and
Son, Inc.
Paulger, Mary Ann - Fremont; American Association of Retired Persons
Peetz, Natalie - Omaha; Greater Omaha Chamber of Commerce
Peters, William E. - Lincoln; Brown & Williamson Tobacco; Burlington
Northern Santa Fe; Golden Rule Insurance Company; Lorillard Tobacco
Company
Peterson, Alan E. - Lincoln; Media of Nebraska, Inc.
Pierson, Darwin R. - McCook; Nebraska Independent Oil & Gas
Association
Popken, Kent T. - Lincoln; U S WEST
Potter, Cara E. - Lincoln; Coalition for Consumer Choice in Real Estate;
Nebraska Retail Federation; Nebraska Retail Grocers Association
Prenda, Amy - Lincoln; Gordon Kissel-Kissel/E&S Associates, L.L.C.
Preston, James N. - Lincoln; Nebraska Trucking Association
Prettyman, Keith A. - Lincoln; Woodmen Accident and Life Company
Ptacek, Patrick J. - Lincoln; Nebraska Grain and Feed Association
Radcliffe, Walter H. - Lincoln; ALLTEL Communications; Father
Flanagan's Boys' Home (a.k.a. Boys Town); 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 Coalition;
Nebraska Health Care Association; Nebraska New Car & Truck Dealers
Association; 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; Waste Connections Inc.
Rasmussen, Dennis - Lincoln; Catrala Association; Class 1s United; Friends
of Rural Education; Great Plains Communications; Iowa/Nebraska Farm
Equipment Association; LensCrafters; Nebraska Independent Auto
Dealers Association; Nebraska Land Improvement Contractors
Association; Nebraska Petroleum Marketers & Convenience Store
Association; Nebraska State Board of Agriculture; Nebraska State
Historical Society; Nebraska Veterans Council; Norwest Bank Nebraska,
N.A.; Philip Morris Management Corporation; Western Association
Recknor, John F. - Lincoln; Class 1s United
Remington, S. June - Lincoln; National Association of Insurance and
Financial Advisors (NAIFA); Nebraska Chapter of National Association
of Social Workers
Rempe, Jay E. - Lincoln; Nebraska Farm Bureau Federation

- Renner, Shawn D. - Lincoln; Media of Nebraska, Inc.
Rex, L. Lynn - Lincoln; League of Nebraska Municipalities
Richards, Thomas - Omaha; Omaha Public Power District
Riibe, Diane - Omaha; Project Extra Mile
Roberts, John L. - Lincoln; Nebraska Association of Hospitals & Health Systems
Robertson, Rob J. - Lincoln; Nebraska Farm Bureau Federation
Rowley, Mitch - Lincoln; Nebraska Catholic Conference
Ruehle, Greg - Lincoln; Nebraska Cattlemen
Ruth, Larry L. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; Associated General Contractors of America, Nebraska Chapter; AT&T Corp.; Ayars & Ayars, Inc.; Big Red Keno Ltd.; Chief Industries, Inc.; Cutshall & Associates; First Data Corporation; Heartland Community Bankers Association; Kellogg Company; Lincoln Airport Authority; Lincoln Electric System; Metabolife International, Inc.; Millard Public Schools; Nebraska Academy of Eye Physicians and Surgeons; Nebraska Association of Airport Officials; Nebraska Collectors Association, Inc.; Nebraska Court Reporters Association; Nebraska Dental Association; Nebraska Interactive; Nebraska Machinery Company; Nebraska Methodist Health System, Inc.; Nebraska New Car & Truck Dealers Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Press Association; Nebraska Schools Construction Alternatives Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Outdoor Advertising Association of Nebraska; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands; Rural/Metro Medical Services; Scientific Games, Inc.; Western Sugar Company
Ryan, Beth - Lincoln; Union Pacific Railroad
Sahling-Zart, Shelley R. - Lincoln; Lincoln Electric System
Sands, David - Denton; National Audubon Society
Scanlan, Jeffrey L. - Plattsmouth; Cornhusker Casualty Company
Schellpeper, William L. - Lincoln; Nebraska Medical Association
Scherling, Mary Jane - Lincoln; Nebraska Nurses Association
Schimek, Herbert H. - Lincoln; Nebraska State Education Association
Schmit Industries, Inc. - Lincoln; Ag Processing, Inc.; Bell Family Farms; Ethanol Research & Development Associates; Nebraska Wheat Growers
Schmit-Albin, Julie - Lincoln; Nebraska Right to Life, Inc.
Schroeder, William - Downers Grove, IL; Alliance of American Insurers
Schuele, Joe - Lincoln; ALLTEL Communications
Schwartz, Julia Plucker - Omaha; Childrens Healthcare Services; MultiState Associates Incorporated on behalf of AirTouch Communications; Western Surety Company
Sedlacek, Ronald J. - Lincoln; Nebraska Bankers Association; Nebraska Chamber of Commerce & Industry; Travelers Express Company, Inc.
Sellentin, Jerry L. - Lincoln; Nebraska Council of School Administrators
Semerad, Mark F. - Omaha; ConAgra, Inc.
Shaw, Timothy F. - Lincoln; Nebraska Advocacy Services, Inc.
Shipper, John - Fairfax, VA; National Rifle Association, Institute for

Legislative Action

- Sholl, Arthur F. - Omaha; American Society of Mechanical Engineers
Shultz, Jack L. - Lincoln; Motorcycle Industry Council, Inc.
Siefken, Kathy - Lincoln; Nebraska Retail Grocers Association
Sigerson, Andrew C. - Omaha; Professional Child Care Providers Association of Nebraska
Sigerson, Chuck - Omaha; Nebraska Republican Party
Skochdopole, Robert A. - Omaha; American Society of Composers, Authors & Publishers; Assoc. of Independent Colleges & Universities of NE/AICUN; Catholic Mutual Relief Society; Ephedra Committee of the American Herbal Products Association; MultiState Associates Incorporated on behalf of AirTouch Communications; National Association of Independent Insurers; Nebraska SID Association; No On Excise Taxes; Walter H. Radcliffe of Radcliffe & Associates
Snyder, Patricia - Lincoln; Nebraska Health Care Association
Solem, Calvin C. - Omaha; Associated General Contractors, Nebraska Building Chapter
Sommermeyer, Mary E. - Lincoln; League of Nebraska Municipalities
Stading, Donald R. - Lincoln; Ameritas Life Insurance Corporation and its subsidiaries
Stilmock, Gerald M. - Syracuse; National Federation of Independent Business; Nebraska Occupational Therapy Association; Nebraska Pharmacists Association; Nebraska State Volunteer Firefighter's Association; The Ambassador Group
Stock, Darrell K. - Lincoln; Hudson, Jim and Debbie
Stone, Fred R. - Lincoln; Nebraska Petroleum Marketers & Convenience Store Association
Sullivan, J. Scott - Omaha; Nebraska Credit Union League, Inc.
Swertzic, Michelle - Lincoln; Nebraska Propane Gas Association
Thompson, Dale - McCook; American Association of Retired Persons
Thompson, Nancy L. - South Sioux City; Center For Rural Affairs
Todd Jr., A. Loy - Lincoln; Nebraska New Car & Truck Dealers Association
Tooker, Norman E. - Ralston; Nebraska State Grange
Tushar, Danene J. - Omaha; Childrens 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
Vickers, Tom - Lincoln; Board of Educational Lands and Funds; Nebraska Association of School Boards; Nebraska Community College Association; Nebraska Council of Private Postsecondary Career Schools; Nebraska Nurses' Association; Nebraska Propane Gas Association; Westside Community & Ralston Public Schools
Vodvarka, Dan - Lincoln; Nebraska Society of Certified Public Accountants
Wade, Rick G. - Lincoln; Alliance of American Insurers; Nebraska Cooperative Council
Wagner, Connie - Lincoln; Licensed Practical Nurse Association of Nebraska
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
 Winger, Dwight - Lincoln; Nebraska Rural Telecommunication Coalition
 Winston, Kenneth - Lincoln; Nebraska Library Association
 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; Central Nebraska Public Power & Irrigation District; Midwest Check Cashing Inc.; Nebraska Independent Bankers Association

UNANIMOUS CONSENT - Member Excused

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Senator Chambers offered the following amendment to the second proposed rules change:

Rule 3, Sec. 3

Strike and show as stricken: "Business and Labor" and "Urban Affairs" and insert "Business, Labor and Urban Affairs 15 Members"

The Chambers amendment lost with 2 ayes, 15 nays, 24 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment to the second proposed rules change:

Rule 3, Sec. 3

Strike and show as stricken: "Business and Labor" and "Nebraska Retirement Systems 6 Members" and insert "Business, Labor and Nebraska Retirement Systems 9 Members".

Senator Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment lost with 1 aye, 32 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 929	Tuesday, January 18, 2000	1:30 p.m.
LB 930	Tuesday, January 18, 2000	1:30 p.m.
LB 931	Tuesday, January 18, 2000	1:30 p.m.
LB 932	Tuesday, January 18, 2000	1:30 p.m.

(Signed) David M. Landis, Chairperson

Health and Human Services

LB 797	Wednesday, January 19, 2000 (rehearing)	1:30 p.m.
LB 819	Wednesday, January 19, 2000 (rehearing)	1:30 p.m.

Wednesday, January 19, 2000 1:30 p.m.

Board of Emergency Medical Services

Randall Datus

Bruce Beins

Michael Grutsch

Gerald Matzke

Chris Becker

Foster Care Review Board

Barbara Heckman

Rural Health Advisory Commission

Todd Stuckey, M.D.

Lisa Yank

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1170. Introduced by Smith, 48; Quandahl, 31.

A BILL FOR AN ACT relating to recall elections; to amend sections 31-787 to 31-792 and 32-1303 to 32-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to calling and holding recall elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Dickey, 18; Aguilar, 35; Cudaback, 36; Dierks, 40; Jensen, 20; Jones, 43; Kremer, 34; Dw. Pedersen, 39; Price, 26; Redfield, 12; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Revised Statutes Supplement, 1999; to change provisions relating to licensee violations; to provide penalties; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1172. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to Joslyn Castle; to amend sections 72-1801 and 72-1802, Reissue Revised Statutes of Nebraska; to change provisions relating to the Joslyn Castle Trust Fund; to change funding provisions; to provide intent; to eliminate an obsolete reference; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1173. Introduced by Brown, 6; Bruning, 3; Hartnett, 45; Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

Senator Landis asked unanimous consent to have his name added as cointroducer to LB 1101. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 1017 and LB 1097. No objections. So ordered.

VISITORS

Visitors to the Chamber were Shavkat Ismailov, Minister of Justice from the Republic of Tajikistan, Brian Ridenour, and Bachtiyer Kholmatov.

ADJOURNMENT

At 3:59 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 11, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 11, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 11, 2000

PRAYER

The prayer was offered by Pastor George Meslow, Martin Luther Home Society, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Crosby, Dierks, and Wickersham who were excused; and Senators Beutler, Bromm, Landis, Raikes, Robak, Schrock, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 11, 2000.

The motion prevailed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Kristensen asked unanimous consent to have all the senators' names added as cointroducers to LR 292. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 292. Read. Considered.

LR 292 was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1174. Introduced by Smith, 48; Brown, 6; Bruning, 3; Jensen, 20; Dw. Pedersen, 39; Quandahl, 31.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-823, Reissue Revised Statutes of Nebraska; to change provisions relating to promotional advertising and informational and educational materials; and to repeal the original section.

LEGISLATIVE BILL 1175. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for Sheldon Memorial Art Gallery renovations; and to declare an emergency.

LEGISLATIVE BILL 1176. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to state government; to amend section 84-1613, Reissue Revised Statutes of Nebraska; to provide medicare supplement insurance for retired state employees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1177. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to loans; to amend section 8-821, Reissue Revised Statutes of Nebraska; to provide a limitation on late payment fees; and to repeal the original section.

LEGISLATIVE BILL 1178. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public funds; to amend sections 72-1263, 72-1264, and 77-2327, Reissue Revised Statutes of Nebraska; to change provisions relating to time deposit open accounts and bonds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Coordsen filed the following amendment to LB 419:
AM2026

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-1359, Revised Statutes
- 4 Supplement, 1998, is amended to read:

5 77-1359. For purposes of sections 77-1359 to 77-1363:
6 (1) Agricultural land and horticultural land shall mean
7 land which is primarily used for the production of agricultural or
8 horticultural products, including wasteland lying in or adjacent to
9 and in common ownership or management with land used for the
10 production of agricultural or horticultural products. Land
11 retained or protected for future agricultural or horticultural uses
12 under a conservation easement as provided in the Conservation and
13 Preservation Easements Act shall be defined as agricultural land or
14 horticultural land. Land enrolled in a federal or state program in
15 which payments are received for removing such land from
16 agricultural or horticultural production shall be defined as
17 agricultural land or horticultural land. Land that is zoned
18 predominantly for purposes other than agricultural or horticultural
19 use shall not be assessed as agricultural land or horticultural
20 land; and
21 (2) Agricultural or horticultural products shall include
22 grain and feed crops; forages and sod crops; animal production,
23 including breeding, feeding, or grazing of cattle, horses, swine,
24 sheep, goats, bees, or poultry; and fruits, vegetables, flowers,
1 seeds, grasses, trees, timber, and other horticultural crops;
2 (3) Farm home site shall mean not more than one acre of
3 land contiguous to a farm site or land actively devoted to
4 agriculture which includes an inhabitable residence and
5 improvements used for residential purposes, such improvements
6 include utility connections, water and sewer systems, and improved
7 access to a public road;
8 (4) Farm site shall mean the portion of land contiguous
9 to land actively devoted to agriculture which includes improvements
10 that are agricultural or horticultural in nature, including any
11 uninhabitable or unimproved farm home site; and
12 (5) Land actively devoted to agriculture shall mean five
13 or more contiguous acres of agricultural land or horticultural land
14 under one ownership as an income-producing agricultural enterprise.
15 Sec. 2. Section 77-1361, Revised Statutes Supplement,
16 1998, is amended to read:
17 77-1361. (1) Agricultural land and horticultural land
18 used solely for agricultural or horticultural purposes shall
19 constitute a separate and distinct class of property for purposes
20 of property taxation. Agricultural land and horticultural land
21 shall be classified using the agricultural land valuation manual
22 issued by the Property Tax Administrator pursuant to section
23 77-1330 which shall be developed using the methods prescribed in
24 section 77-1362.
25 (2) No residential, commercial, industrial, or
26 agricultural building or enclosed structure or the directly
27 associated land or site of the building or enclosed structure shall
1 be assessed as agricultural land or horticultural land, except that
2 land currently in use as a farm site not currently occupied or used

3 for any other nonagricultural purpose shall be valued at the same
4 assessed value as the contiguous agricultural land which is under
5 the same ownership and is in use as agricultural land.
6 Sec. 3. Original sections 77-1359 and 77-1361, Revised
7 Statutes Supplement, 1998, are repealed."

EASE

The Legislature was at ease from 9:20 a.m. until 9:34 a.m.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1179. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-714, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original section.

LEGISLATIVE BILL 1180. Introduced by Wehrbein, 2; Smith, 48.

A BILL FOR AN ACT relating to relating to economic development; to create a fund for tourism development purposes.

LEGISLATIVE BILL 1181. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-355, Revised Statutes Supplement, 1999; to revise the power of building and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1182. Introduced by Quandahl, 31.

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.

RECESS

At 9:35 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 3:00 p.m.

AFTER RECESS

The Legislature reconvened at 3:02 p.m., President Maurstad presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Crosby, Dierks, and Schrock who were excused; and Senators Bohlke, Hartnett, Kiel, Kremer, Robak, and Tyson who were excused until they arrive.

**NOTICE OF COMMITTEE HEARINGS
Agriculture**

Tuesday, January 18, 2000 1:30 p.m.
 Beginning Farmer Board
 Roy Frederick
 Harry Knobbe
 Dale Pohlmann
 Gerald Timmerman
 Bill Zutavern

LB 960 Tuesday, January 18, 2000 1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Education

LB 986 Tuesday, January 18, 2000 1:30 p.m.
 LB 988 Tuesday, January 18, 2000 1:30 p.m.
 LB 996 Tuesday, January 18, 2000 1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

MOTION - Adopt Permanent Rules

Senator Hudkins asked unanimous consent to withdraw the remaining portions of the Rules Committee's pending proposed rules changes, found on pages 167 and 168. No objections. So ordered.

Senator Hudkins renewed her pending motion, found on page 189, to adopt the permanent rules for the Ninety-Sixth Legislature, Second Session.

Senator Chambers requested a record vote on the adoption of the permanent rules.

Voting in the affirmative, 33:

Aguilar	Baker	Beutler	Bromm	Byars
Connealy	Coordsen	Cudaback	Dickey	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Matzke	Pederson, D.	Preister	Price	Quandahl

Raikes	Redfield	Schmitt	Smith	Suttle
Thompson	Tyson	Vrtiska		

Voting in the negative, 3:

Chambers	Lynch	Pedersen, Dw.
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Present and not voting, 7:

Bourne	Brown	Bruning	Schimek	Stuhr
Wehrbein	Wickersham			

Excused and not voting, 6:

Bohlke	Brashear	Crosby	Dierks	Robak
Schrock				

The Hudkins motion to adopt permanent rules prevailed with 33 ayes, 3 nays, 7 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 884. 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.

LEGISLATIVE BILL 885. 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 886. 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.

LEGISLATIVE BILL 887. 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 888. 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 889. 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 890. 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 891. 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 892. 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 893. 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.

LEGISLATIVE BILL 894. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1183. Introduced by Smith, 48.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-916, Reissue Revised Statutes of Nebraska; to change provisions relating to additions and platting; to provide powers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1184. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-438 and 37-439, Revised Statutes Supplement, 1999; to change provisions relating to state park motor vehicle entry permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1185. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999,

LB 878, section 51; to change an appropriation to the Nebraska State Historical Society; and to repeal the original section.

LEGISLATIVE BILL 1186. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-321, Reissue Revised Statutes of Nebraska; to provide for impoundment of motor vehicles for violation of motor vehicle financial responsibility requirements as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1187. Introduced by Jensen, 20; Byars, 30; Dickey, 18; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101 and 53-160, Reissue Revised Statutes of Nebraska; to change provisions relating to the gallonage tax; to create funds; to provide for disbursement; to provide an operative date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1188. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Landis, 46; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 57-239, 60-106, 76-214, 77-115, 77-609, 77-1210, 77-1331, 77-1332, 77-1705, and 77-4105, Reissue Revised Statutes of Nebraska, sections 23-3202, 30-2467, 30-2469, 77-112, 77-202.05, 77-623, 77-801, 77-801.01, 77-802.01, 77-802.02, 77-1229, and 77-1249, Revised Statutes Supplement, 1998, and sections 77-101, 77-202.03, 77-421, 77-684, 77-1233.04, 77-1504, 77-1514, and 77-1701, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to the Property Tax Administrator, filings and returns, definitions, examinations, railroad property, public service property, listing of personal property, records, appeals, filing deadlines, forms, tax collection, and in-lieu-of-tax payments; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-110, 77-210 to 77-212, 77-398, 77-1213, and 77-1333, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1189. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to provide for liens for chiropractors; and to repeal the original section.

LEGISLATIVE BILL 1190. Introduced by Hudkins, 21; Engel, 17; Kremer, 34; D. Pederson, 42.

A BILL FOR AN ACT relating to county agricultural society; to amend section 2-259, Revised Statutes Supplement, 1999; to authorize the

purchase of real property from an additional tax levy; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 356. Considered.

Senator Byars asked unanimous consent to pass over LB 356. No objections. So ordered.

LEGISLATIVE BILL 505. Considered.

Senators Dw. Pedersen and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson withdrew her motion, found on page 1425, First Session, 1999, to indefinitely postpone LB 505.

Senator Landis offered the following amendment:
AM2018

(Amendments to Standing Committee amendments, AM0793)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 77-2602, Revised Statutes
4 Supplement, 1999, is amended to read:
5 77-2602. (1) Every person engaged in distributing or
6 selling cigarettes at wholesale in this state shall pay to the Tax
7 Commissioner of this state a special privilege tax. This shall be
8 in addition to all other taxes. It shall be paid prior to or at
9 the time of the sale, gift, or delivery to the retail dealer in the
10 several amounts as follows: On each package of cigarettes
11 containing not more than twenty cigarettes, sixty-four cents per
12 package commencing on the effective date of this act until January
13 1, 2004, thirty-four cents per package on and after January 1,
14 2004; and on packages containing more than twenty cigarettes, the
15 same tax as provided on packages containing not more than twenty
16 cigarettes for the first twenty cigarettes in each package and a
17 tax of one-twentieth of the tax on the first twenty cigarettes on
18 each cigarette in excess of twenty cigarettes in each package.
19 Commencing July 1, 1994 on the effective date of this act, and
20 continuing until July 1, 2009 January 1, 2004, the State Treasurer
21 shall place the equivalent of ~~twenty-one~~ twenty-three cents of such
22 tax less three million dollars each fiscal year of proceeds of such

23 tax in the General Fund. Commencing January 1, 2004, and
1 continuing until July 1, 2009, the State Treasurer shall place the
2 equivalent of twenty-one cents of such tax less three million
3 dollars each fiscal year of the proceeds of such tax in the General
4 Fund. Commencing July 1, 2009, the State Treasurer shall place the
5 equivalent of twenty-one cents of such tax in the General Fund.
6 For purposes of this section, the equivalent of a specified number
7 of cents of the tax shall mean that portion of the proceeds of the
8 tax equal to the specified number divided by sixty-four until
9 January 1, 2004, and thirty-four on and after January 1, 2004. The
10 State Treasurer shall distribute the remaining proceeds of such tax
11 in the following order:

12 (a) First, beginning July 1, 1980, the State Treasurer
13 shall place the equivalent of one cent of such tax in the Nebraska
14 Outdoor Recreation Development Cash Fund. For fiscal year
15 distributions occurring after FY1998-99, the distribution under
16 this subdivision shall not be less than the amount distributed
17 under this subdivision for FY1997-98. Any money needed to increase
18 the amount distributed under this subdivision to the FY1997-98
19 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
20 Fund;

21 (b) Second, beginning July 1, 1993, the State Treasurer
22 shall place the equivalent of seven cents until January 1, 2004,
23 and three cents on and after January 1, 2004, of such tax in the
24 Department of Health and Human Services Finance and Support Cash
25 Fund to carry out sections 81-637 to 81-640. For fiscal year
26 distributions occurring after FY1998-99, the distribution under
27 this subdivision shall not be less than the amount distributed
1 under this subdivision for FY1997-98. Any money needed to increase
2 the amount distributed under this subdivision to the FY1997-98
3 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
4 Fund;

5 (c) Third, beginning July 1, 1995, the State Treasurer
6 shall place the equivalent of two cents of such tax in the City of
7 Omaha Public Events Facilities Fund for each fiscal year through
8 fiscal year 2000-01. The Legislature shall appropriate all sums
9 inuring to the fund to the city of Omaha upon evidence that any
10 amounts so appropriated are matched with funds derived from sources
11 other than state funds in amounts equivalent to one dollar for
12 every two dollars appropriated. For fiscal year distributions
13 occurring after FY1998-99, the distribution under this subdivision
14 shall not be less than the amount distributed under this
15 subdivision for FY1997-98. Any money needed to increase the amount
16 distributed under this subdivision to the FY1997-98 amount shall
17 reduce the ~~twenty-one-cent~~ distribution to the General Fund;

18 (d) Fourth, beginning July 1, 1997, and continuing until
19 July 1, 2001, the State Treasurer shall place the equivalent of
20 seven cents of such tax in the Building Renewal Allocation Fund for
21 each fiscal year, for the purposes stated in the Deferred Building

22 Renewal Act. Beginning July 1, 2001, and continuing until all the
23 purposes of the Deferred Building Renewal Act have been fulfilled,
24 the State Treasurer shall place the equivalent of nine cents of
25 such tax in the Building Renewal Allocation Fund. The Legislature
26 shall appropriate each fiscal year all sums inuring to the fund,
27 plus interest earnings for the Task Force for Building Renewal to
1 be used to carry out its duties and to fulfill the purposes of the
2 Deferred Building Renewal Act. Unexpended balances existing at the
3 end of each fiscal year shall be, and are hereby, reappropriated.
4 For fiscal year distributions occurring after FY1998-99, the
5 distribution under this subdivision shall not be less than the
6 amount distributed under this subdivision for FY1997-98. Any money
7 needed to increase the amount distributed under this subdivision to
8 the FY1997-98 amount shall reduce the ~~twenty-one-cent~~ distribution
9 to the General Fund;

10 (e) Fifth, the State Treasurer shall place the difference
11 between the equivalent of seventeen cents until January 1, 2004,
12 and thirteen cents on and after January 1, 2004, of such tax and
13 the sum of the amounts distributed pursuant to subdivisions (a)
14 through (d) of this subsection in a special fund to be known as the
15 Nebraska Capital Construction Fund; ~~and~~

16 (f) Sixth, beginning July 1, 1994, and continuing until
17 July 1, 2009, the State Treasurer shall place in the Municipal
18 Infrastructure Redevelopment Fund the sum of three million dollars
19 each fiscal year to carry out the Municipal Infrastructure
20 Redevelopment Fund Act. The Legislature shall appropriate the sum
21 of three million dollars each year for fiscal year 1994-95 through
22 fiscal year 2008-09; ~~and~~

23 (g) Seventh, beginning July 1, 2000, and until January 1,
24 2004, the State Treasurer shall place the remaining proceeds of
25 such tax in the Tobacco Prevention, Control, Cessation, and
26 Enforcement Fund.

27 (2) The Legislature hereby finds and determines that the
1 projects funded from the Municipal Infrastructure Redevelopment
2 Fund, the City of Omaha Public Events Facilities Fund, and the
3 Building Renewal Allocation Fund are of critical importance to the
4 State of Nebraska. It is the intent of the Legislature that the
5 allocations and appropriations made by the Legislature to such
6 funds or, in the case of allocations for the Municipal
7 Infrastructure Redevelopment Fund, to the particular municipality's
8 account not be reduced until all contracts and securities relating
9 to the construction and financing of the projects or portions of
10 the projects funded from such funds or accounts of such funds are
11 completed or paid or, in the case of the Municipal Infrastructure
12 Redevelopment Fund, the earlier of such date or July 1, 2009, and
13 that until such time any reductions in the cigarette tax rate made
14 by the Legislature shall be simultaneously accompanied by
15 equivalent reductions in the amount dedicated to the General Fund
16 from cigarette tax revenue. Any provision made by the Legislature

17 for distribution of the proceeds of the cigarette tax for projects
18 or programs other than those to (a) the General Fund, (b) the
19 Nebraska Outdoor Recreation Development Cash Fund, (c) the
20 Department of Health and Human Services Finance and Support Cash
21 Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the
22 City of Omaha Public Events Facilities Fund, and (f) the Building
23 Renewal Allocation Fund, and (g) the Tobacco Prevention, Control,
24 Cessation, and Enforcement Fund shall not be made a higher priority
25 than or an equal priority to any of the programs or projects
26 specified in subdivisions (a) through (f) (g) of this subsection.

27 Sec. 2. The Tobacco Prevention, Control, Cessation, and
1 Enforcement Fund is created. The fund shall be administered by the
2 Health Promotion and Education Division of the Office of Preventive
3 Health and Public Wellness in the Department of Health and Human
4 Services. Of the money in the fund, the division shall make an
5 amount equal to the equivalent of one cent of the cigarette tax
6 available to the Nebraska State Patrol for enforcement of state and
7 federal laws relating to tobacco. The division shall also make
8 money from the fund available to political subdivisions and other
9 state government agencies for enforcement purposes.

10 The money remaining in the fund shall be used for the
11 following purposes in the percentage indicated:

12 (1) Community programs to reduce tobacco use, nineteen
13 percent;

14 (2) Chronic disease programs, fifteen percent;

15 (3) School programs, twelve percent;

16 (4) Statewide programs, five percent;

17 (5) Enforcement, five percent;

18 (6) Counter marketing, nineteen percent;

19 (7) Cessation programs, twelve percent;

20 (8) Surveillance and evaluation, nine percent; and

21 (9) Administration and management, four percent.

22 The division shall adopt and promulgate rules and
23 regulations to carry out the purposes of the fund, establish
24 guidelines, standards, and procedures to evaluate the effectiveness
25 of the programs and expenditures.

26 The division shall provide annual reports to the Governor
27 and the Legislature beginning December 1, 2000, which provide an
1 accounting of the fund and descriptions and an analysis of the
2 effectiveness of projects and programs funded. All recipients of
3 money from the fund shall submit a report of their activities
4 funded each fiscal year to the division.

5 Any money in the fund available for investment shall be
6 invested by the state investment officer pursuant to the Nebraska
7 Capital Expansion Act and the Nebraska State Funds Investment Act.

8 Sec. 3. Section 77-4008, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-4008. (1) Commencing on or after January 1, 1988, a
11 tax is hereby imposed upon the first owner of tobacco products to

12 be sold in this state. The tax shall be twenty-eight percent until
13 January 1, 2004, and fifteen percent on and after January 1, 2004,
14 of (a) the purchase price of such tobacco products paid by the
15 first owner or (b) the price at which a first owner who made,
16 manufactured, or fabricated the tobacco product sells the items to
17 others. Such tax shall be in addition to all other taxes.

18 (2) Whenever any person who is licensed under section
19 77-4009 purchases tobacco products from another person licensed
20 under section 77-4009, the seller shall be liable for the payment
21 of the tax.

22 Sec. 4. The State Patrol Tobacco Enforcement Fund is
23 created. The fund shall be administered by the Nebraska State
24 Patrol and used for enforcement of federal and state law relating
25 to tobacco. The fund shall include, but not be limited to, money
26 transferred from the Tobacco Prevention, Control, Cessation, and
27 Enforcement Fund. Any money in the State Patrol Tobacco
1 Enforcement Fund available for investment shall be invested by the
2 state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act.

4 Sec. 5. Section 81-638, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-638. (1) The Legislature shall appropriate for each
7 year from the Department of Health and Human Services Finance and
8 Support Cash Fund to the Department of Health and Human Services
9 Finance and Support an amount derived from one cent of the
10 cigarette tax imposed by section 77-2602, less any amount
11 appropriated from the fund specifically to the University of
12 Nebraska Eppley Institute for Research in Cancer and Allied
13 Diseases. The director shall, after deducting expenses incurred in
14 the administration of such funds, distribute such funds exclusively
15 for grants and contracts for research of cancer and smoking
16 diseases, for funding the cancer registry prescribed in sections
17 81-642 to 81-650, and for associated expenses due to the
18 establishment and maintenance of such cancer registry. Not more
19 than two hundred thousand dollars shall be appropriated for funding
20 the cancer registry and associated expenses. The University of
21 Nebraska may receive such grants and contracts, and other
22 postsecondary institutions having colleges of medicine located in
23 the State of Nebraska may receive such contracts.

24 (2) The Legislature shall appropriate for each year from
25 the Department of Health and Human Services Finance and Support
26 Cash Fund to the Department of Health and Human Services Finance
27 and Support for cancer research an amount derived from two cents of
1 the cigarette tax imposed by section 77-2602 to be used exclusively
2 for grants and contracts for research on cancer and smoking
3 diseases, except that for distributions occurring on or after July
4 1, 2000, and before January 1, 2004, the distribution under this
5 subsection shall be six cents of the funds allocated to the
6 department. No amount shall be appropriated or used pursuant to

7 this subsection for the operation and associated expenses of the
8 cancer registry. Not more than one-half of the funds appropriated
9 pursuant to this subsection shall be distributed to the University
10 of Nebraska Medical Center for research in cancer and allied
11 diseases and the University of Nebraska Eppley Institute for
12 Research in Cancer and Allied Diseases. The remaining funds
13 available pursuant to this subsection shall be distributed for
14 contracts with other postsecondary educational institutions having
15 colleges of medicine located in Nebraska which have cancer research
16 programs for the purpose of conducting research in cancer and
17 allied diseases.

18 (3) Any contract between the Department of Health and
19 Human Services Finance and Support and another postsecondary
20 educational institution for cancer research under subsection (2) of
21 this section shall provide that:

22 (a) Any money appropriated for such contract shall only
23 be used for cancer research and shall not be used to support any
24 other program in the institution;

25 (b) Full and detailed reporting of the expenditure of all
26 funds under the contract is required. The report shall include,
27 but not be limited to, separate accounting for personal services,
1 equipment purchases or leases, and supplies. Such reports shall be
2 made available to the Legislature; and

3 (c) No money appropriated for such contract shall be
4 spent for travel, building construction, or any other purpose not
5 directly related to the research that is the subject of the
6 contract.

7 Sec. 6. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 7. Original sections 77-4008 and 81-638, Reissue
12 Revised Statutes of Nebraska, and section 77-2602, Revised Statutes
13 Supplement, 1999, are repealed.

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

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1191. Introduced by Brown, 6; Quandahl, 31.

A BILL FOR AN ACT relating to local government; to amend sections 13-2202 and 32-567, Reissue Revised Statutes of Nebraska, and sections 13-503, 77-3442, and 77-3443, Revised Statutes Supplement, 1999; to authorize creation of locally enacted government structures; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 1192. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Bruning, 3; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 24-709.01, 79-906, 79-911, 79-917, 79-956, 79-963, 81-2014, 81-2016, 81-2021, 84-1301, 84-1305.01, 84-1307, 84-1503, and 84-1512, Reissue Revised Statutes of Nebraska, sections 23-2306, 23-2312, 24-704, 24-707, 79-905, and 79-907, Revised Statutes Supplement, 1998, and sections 23-2301, 24-701, 24-706, 79-902, and 79-960, Revised Statutes Supplement, 1999; to change provisions relating to membership, the reporting and filing of information, liability for certain actions, and bidding processes; to redefine terms; to provide powers and duties; to eliminate a provision relating to audits; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-961, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1193. Introduced by Hilgert, 7; Brown, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Reissue Revised Statutes of Nebraska, section 77-2701, Revised Statutes Supplement, 1998, and section 77-2702.13, Revised Statutes Supplement, 1999; to exempt purchases by museums and museum memberships from sales and use taxes; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1194. Introduced by Thompson, 14; Preister, 5.

A BILL FOR AN ACT relating to the Clean Indoor Air Act; to amend section 71-5707, Revised Statutes Supplement, 1999; to prohibit smoking at child care programs; to provide an exception; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1195. Introduced by Thompson, 14; Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Outpatient Surgical Procedures Data Collection Act.

LEGISLATIVE BILL 1196. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1403 and 49-1478, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1455, Revised Statutes Supplement, 1999; to define terms; to state intent relating to campaign statements; to provide and change provisions relating to expenditure reports; to provide a penalty to restrict the disclosure of petition circulator information; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1197. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to trustees; to provide for a certification of trust; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 900	Wednesday, January 19, 2000	1:30 p.m.
LB 901	Wednesday, January 19, 2000	1:30 p.m.
LB 902	Wednesday, January 19, 2000	1:30 p.m.
LB 903	Wednesday, January 19, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 383:

AM2023

(Amendments to Standing Committee amendments, AM0428)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendments:
- 3 "1. Strike original sections 1, 2, and 5.
- 4 2. On page 7, line 13, strike '1999' and insert '2000'.
- 5 3. On page 11, line 25, strike 'sections' through 'and'
- 6 and insert 'section'."
- 7 2. Renumber the remaining amendment accordingly.

Senator Brashear filed the following amendment to LB 383:

AM2025

(Amendments to Standing Committee amendments, AM0428)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendments:
- 3 "1. Strike original sections 1, 2, and 5.
- 4 2. On page 7, line 13, strike '1999' and insert '2000';
- 5 and in line 14 strike 'one-half of' and insert 'one-fourth of'.
- 6 3. On page 11, line 25, strike 'sections' through 'and'
- 7 and insert 'section'."
- 8 2. Renumber the remaining amendment accordingly.

Senator Brashear filed the following amendment to LB 383:

AM2024

(Amendments to Standing Committee amendments, AM0428)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendments:
- 3 "1. Strike original sections 1, 2, and 5.
- 4 2. On page 7, line 13, strike '1999' and insert '2000';
- 5 and in line 14 strike 'one-half of'.

- 6 3. On page 11, line 25, strike 'sections' through 'and'
7 and insert 'section'.
8 2. Renumber the remaining amendment accordingly.

Senator Suttle filed the following amendment to LB 523:
AM1998

- 1 1. Strike original section 5 and insert the following
2 new sections:
3 "Sec. 2. Section 71-1,132.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 71-1,132.01. Sections 71-1,132.01 to 71-1,132.53 and
6 sections 3 and 4 of this act shall be known and may be cited as the
7 Nurse Practice Act.
8 Sec. 3. (1) In order to effectuate the transition into
9 compact administration, the board shall require all licensees
10 entering into or becoming subject to an order of probation or other
11 disciplinary action that limits practice or requires monitoring to
12 agree, as of the date of the order, not to practice in any other
13 state which is a party to the Nurse Licensure Compact during the
14 term of such probation or disciplinary action without prior
15 authorization from the other party state.
16 (2) Any licensee subject to disciplinary action, such as
17 revocation, suspension, probation, or any other action which
18 affects a licensee's authorization to practice, on the effective
19 date of entering the compact, is not entitled to a multistate
20 license privilege while such disciplinary action is in effect
21 unless practice in another state is authorized by this state and
22 any other state in which the licensee wishes to practice.
23 Sec. 4. Before recognizing a home state license to
24 practice nursing issued by a state which is a party to the Nurse
1 Licensure Compact, the board shall determine that such state's
2 qualifications for a nursing license are substantially equivalent
3 to or more stringent than the minimum qualifications for issuance
4 of a Nebraska license under the Nurse Practice Act.
5 Sec. 6. Section 71-1,132.11, Revised Statutes
6 Supplement, 1999, is amended to read:
7 71-1,132.11. The board may adopt, promulgate, and
8 revise, with the approval of the department, such rules and
9 regulations consistent with the Nurse Practice Act as may be
10 necessary to carry the act into effect. All such rules and
11 regulations shall be published and distributed. The board shall:
12 (1) Adopt reasonable and uniform standards for nursing
13 practice and nursing education;
14 (2) If requested, issue or decline to issue advisory
15 opinions defining acts which in the opinion of the board are or are
16 not permitted in the practice of nursing as defined in section
17 71-1,132.05. Such opinions shall be considered informational only
18 and are nonbinding. Practice-related information provided by the
19 board to registered or licensed practical nurses licensed under the

- 20 act shall be made available by the board on request to nurses
21 practicing in this state under a license issued by a state that is
22 a party to the Nurse Licensure Compact;
23 (3) Establish rules and regulations for approving and
24 classifying programs preparing practical and professional nurses,
25 taking into consideration administrative and organizational
26 patterns, the curriculum, students, student services, faculty, and
27 instructional resources and facilities, and provide surveys for
1 each educational program as determined by the board;
2 (4) Approve educational programs which meet the
3 requirements of the act;
4 (5) Examine, license, and renew the licenses of duly
5 qualified applicants;
6 (6) Keep a record of all its proceedings and compile an
7 annual report for distribution;
8 (7) Develop standards for continued competency of
9 licensees continuing in or returning to practice;
10 (8) Adopt rules and regulations establishing standards
11 for delegation of nursing activities, including training or
12 experience requirements, competency determination, and nursing
13 supervision;
14 (9) Make recommendations in accordance with section
15 71-168.01 regarding licensure and disciplinary dispositions for
16 individuals who have violated the act and upon the grounds provided
17 in the Uniform Licensing Law;
18 (10) Collect data regarding nursing;
19 (11) Provide consultation and conduct conferences,
20 forums, studies, and research on nursing practice and education;
21 (12) Join organizations that develop and regulate the
22 national nursing licensure examinations and exclusively promote the
23 improvement of the legal standards of the practice of nursing for
24 the protection of the public health, safety, and welfare;
25 (13) Appoint special purpose groups or ad hoc groups to
26 advise the board; and
27 (14) Administer the provisions of the Advanced Registered
1 Nurse Practitioner Act as it applies to certified registered nurse
2 anesthetists, and the Nebraska Certified Nurse Midwifery Practice
3 Act, and the Nurse Licensure Compact. In reporting information to
4 the coordinated licensure information system under Article VII of
5 the compact, the department may disclose personal identifying
6 information about a nurse, including his or her social security
7 number.
8 Sec. 7. Section 71-1,132.17, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 71-1,132.17. (1) In the interest of public safety and
11 consumer awareness, it is unlawful for any person to use the title
12 nurse in reference to himself or herself in any capacity, except
13 individuals who are or have been licensed as a registered nurse or
14 a licensed practical nurse. A Christian Science nurse may refer to

- 15 himself or herself only as a Christian Science nurse.
- 16 (2) The terms "nurse", "registered nurse", and "licensed
17 practical nurse" include persons licensed as registered nurses or
18 licensed practical nurses by a state that is a party to the Nurse
19 Licensure Compact. Unless the context otherwise indicates or
20 unless doing so would be inconsistent with the compact, nurses
21 practicing in this state under a license issued by a state that is
22 a party to the compact have the same rights and obligations as
23 imposed by the laws of this state on licensees licensed under the
24 Nurse Practice Act. The department has the authority to determine
25 whether a right or obligation imposed on licensees applies to
26 nurses practicing in this state under a license issued by a state
27 that is a party to the compact, unless that determination is
1 inconsistent with the compact.
- 2 Sec. 10. Original sections 71-1,132.01, 71-1,132.05,
3 71-1,132.17, and 71-1,132.31, Reissue Revised Statutes of Nebraska,
4 and section 71-1,132.11, Revised Statutes Supplement, 1999, are
5 repealed."
- 6 2. On page 12, strike beginning with "on" in line 14
7 through "recklessness" in line 17 and insert "except as provided in
8 the State Tort Claims Act".
- 9 3. On page 19, line 26, strike "2000" and insert "2001".
- 10 4. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Suttle asked unanimous consent to have her name added as cointroducer to LB 1163, LB 1164, LB 1165, and LB 1167. No objections. So ordered.

Senator D. Pederson asked unanimous consent to have his name added as cointroducer to LB 986. No objections. So ordered.

Senator Kiel asked unanimous consent to have her name added as cointroducer to LB 906. No objections. So ordered.

ADJOURNMENT

At 4:09 p.m., on a motion by Senator Beutler, the Legislature adjourned until 9:30 a.m., Wednesday, January 12, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 12, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 12, 2000

PRAYER

The prayer was offered by Pastor Edward Price, All Nations Church of the Lord Jesus Christ, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Crosby and Jensen who were excused; and Senators Beutler, Bromm, Lynch, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and resolutions:

LB/LR	Committee
LR 287CA	Government, Military and Veterans Affairs (rereferred)
LB 1067	Revenue
LB 1068	Banking, Commerce and Insurance
LB 1069	Natural Resources
LB 1070	Revenue
LB 1071	Agriculture
LB 1072	Revenue
LB 1073	Revenue
LB 1074	Revenue
LB 1075	Transportation and Telecommunications
LB 1076	Transportation and Telecommunications

LB 1077	Transportation and Telecommunications
LB 1078	Health and Human Services
LB 1079	Agriculture
LB 1080	Transportation and Telecommunications
LB 1081	Judiciary
LB 1082	Revenue
LB 1083	Government, Military and Veterans Affairs
LB 1084	Banking, Commerce and Insurance
LB 1085	Judiciary
LB 1086	General Affairs
LB 1087	General Affairs
LB 1088	Revenue
LB 1089	Transportation and Telecommunications
LB 1090	Transportation and Telecommunications
LB 1091	Judiciary
LB 1092	Agriculture
LB 1093	Judiciary
LB 1094	General Affairs
LB 1095	Health and Human Services
LB 1096	Judiciary
LB 1097	Transportation and Telecommunications
LB 1098	Urban Affairs
LB 1099	Revenue
LB 1100	Revenue
LB 1101	Health and Human Services
LB 1102	Judiciary
LB 1103	Urban Affairs
LB 1104	Nebraska Retirement Systems
LB 1105	Revenue
LB 1106	Government, Military and Veterans Affairs
LB 1107	Education
LB 1108	Health and Human Services
LB 1109	Revenue
LB 1110	Judiciary
LB 1111	Banking, Commerce and Insurance
LB 1112	Natural Resources
LB 1113	Health and Human Services
LB 1114	Revenue
LB 1115	Health and Human Services
LB 1116	Urban Affairs
LB 1117	Revenue
LB 1118	Judiciary
LB 1119	Banking, Commerce and Insurance
LB 1120	Health and Human Services
LB 1121	Banking, Commerce and Insurance
LB 1122	Judiciary
LB 1123	Business and Labor
LB 1124	Revenue
LB 1125	Banking, Commerce and Insurance

LB 1126 Government, Military and Veterans Affairs
LB 1127 Banking, Commerce and Insurance
LB 1128 Government, Military and Veterans Affairs
LB 1129 Transportation and Telecommunications
LB 1130 General Affairs
LB 1131 Urban Affairs
LB 1132 Revenue
LB 1133 Judiciary
LB 1134 Government, Military and Veterans Affairs
LB 1135 Government, Military and Veterans Affairs
LB 1136 Revenue
LB 1137 Revenue
LB 1138 Revenue
LB 1139 Health and Human Services
LB 1140 Health and Human Services
LB 1141 Health and Human Services
LB 1142 Judiciary
LB 1143 Government, Military and Veterans Affairs
LB 1144 Health and Human Services
LB 1145 Government, Military and Veterans Affairs
LB 1146 Transportation and Telecommunications
LB 1147 Transportation and Telecommunications
LB 1148 Banking, Commerce and Insurance
LB 1149 Revenue
LB 1150 General Affairs
LB 1151 Appropriations
LB 1152 Natural Resources
LB 1153 Health and Human Services
LB 1154 Transportation and Telecommunications
LB 1155 Revenue
LB 1156 Banking, Commerce and Insurance
LB 1157 Government, Military and Veterans Affairs
LB 1158 Government, Military and Veterans Affairs
LB 1159 Urban Affairs
LB 1160 Education
LB 1161 Education
LB 1162 Education
LB 1163 Appropriations
LB 1164 Health and Human Services
LB 1167 Health and Human Services
LB 1168 Revenue
LB 1169 Education
LB 1170 Government, Military and Veterans Affairs
LB 1171 General Affairs
LB 1172 Appropriations
LB 1173 Revenue

LR 289CA General Affairs
LR 291CA Judiciary
LR 293CA Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

January 11, 2000

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 Health & Human Services Policy Secretary:

APPOINTEE:

Chris Peterson, 1812 W Louise, Grand Island NE 68803

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

AMENDMENT - Print in Journal

Senator Kristensen filed the following amendment to LB 534:
AM0535

- 1 1. Insert the following new section:
- 2 "Sec. 10. The following section is outright repealed:
- 3 Section 49-508.01, Reissue Revised Statutes of Nebraska."
- 4 2. On page 2, line 10, after the period insert "The
- 5 clerk shall distribute two copies of the session laws and journal
- 6 to each person who was a member of the Legislature by which the
- 7 laws were enacted. The clerk shall provide the session laws and
- 8 journals to the Secretary of State for distribution pursuant to
- 9 sections 49-501 to 49-509.01."
- 10 3. On page 3, lines 4 and 11; and page 7, line 25, after
- 11 "determines" insert ", upon recommendation by the Clerk of the
- 12 Legislature and approval of the Executive Board of the Legislative
- 13 Council".
- 14 4. On page 4, strike beginning with "eight" in line 16
- 15 through the semicolon in line 17 and show as stricken.
- 16 5. On page 5, line 18, after "format" insert ", upon
- 17 recommendation by the Clerk of the Legislature and approval of the
- 18 Executive Board of the Legislative Council".
- 19 6. On page 6, lines 10 and 11, strike "as recommended"
- 20 and insert ", upon recommendation"; in line 11 strike "approved by"

21 and insert "approval of".

22 7. Renumber the remaining section accordingly.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 898	Thursday, January 20, 2000	1:30 p.m.
LB 911	Thursday, January 20, 2000	1:30 p.m.
LB 920	Thursday, January 20, 2000	1:30 p.m.
LB 923	Thursday, January 20, 2000	1:30 p.m.
LB 983	Thursday, January 20, 2000	1:30 p.m.
LB 963	Friday, January 21, 2000	1:30 p.m.
LB 995	Friday, January 21, 2000	1:30 p.m.
LB 1005	Friday, January 21, 2000	1:30 p.m.
LB 1023	Friday, January 21, 2000	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Judiciary

LB 922	Wednesday, January 19, 2000	1:30 p.m.
LB 921	Wednesday, January 19, 2000	1:30 p.m.
LB 926	Wednesday, January 19, 2000	1:30 p.m.
LB 940	Wednesday, January 19, 2000	1:30 p.m.
LB 1013	Wednesday, January 19, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1198. Introduced by Bohlke, 33; Janssen, 15.

A BILL FOR AN ACT relating to public works; to amend sections 16-325 and 17-801, Reissue Revised Statutes of Nebraska; to change provisions relating to boards of public works; to provide powers; and to repeal the original sections.

LEGISLATIVE BILL 1199. Introduced by Price, 26.

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 polling hours for certain elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Bourne, 8; Bruning, 3; Wehrbein, 2;

Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2319.01, 84-1310.01, 84-1311.03, 84-1314, and 84-1321.01, Reissue Revised Statutes of Nebraska, and sections 23-2309.01 and 23-2310.05, Revised Statutes Supplement, 1999; to change provisions relating to forfeitures, administrative expenses, and the crediting of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1201. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska; to change provisions relating to burglary; and to repeal the original section.

LEGISLATIVE BILL 1202. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to criminal mischief; and to repeal the original section.

LEGISLATIVE BILL 1203. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to rules of evidence; to amend sections 27-404, 27-1101, and 29-1927, Reissue Revised Statutes of Nebraska; to change provisions relating to alibi and character evidence; and to repeal the original sections.

LEGISLATIVE BILL 1204. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 25-2804, Reissue Revised Statutes of Nebraska, and sections 29-117 and 29-825, Revised Statutes Supplement, 1998; to change procedure provisions; and to repeal the original sections.

LEGISLATIVE BILL 1205. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 1206. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to elections; to amend section 32-538, Reissue Revised Statutes of Nebraska; to change provisions relating to cities with the city manager plan of government; and to repeal the original section.

LEGISLATIVE BILL 1207. Introduced by Engel, 17; Bromm, 23.

A BILL FOR AN ACT relating to state colleges; to create a fund; and to provide for self-insurance as prescribed.

LEGISLATIVE BILL 1208. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the comprehensive health insurance pool; to amend sections 44-4202 to 44-4217, 44-4219 to 44-4222, 44-4224 to 44-4228, and 44-4230, and 77-918, Reissue Revised Statutes of Nebraska, and sections 44-4233 and 77-912, Revised Statutes Supplement, 1999; to change provisions relating to the pool; to change funding provisions; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1209. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6603 and 44-6606, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Supplement, 1998; to redefine terms for purposes of insurance fraud provisions; to change a fee provision; and to repeal the original sections.

EASE

The Legislature was at ease from 9:51 a.m. until 10:00 a.m.

MOTION – Escort Governor

Senator 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 Senators Baker, Beutler, Raikes, Redfield, and Suttle to serve on said committee.

STATE OF THE STATE ADDRESS

Mr. President, Mr. Speaker, Members of the Legislature, distinguished guests, friends, and fellow Nebraskans:

One year ago, I came before you to present my first State of the State Address.

I shared with you a blueprint for implementing a vision of less government, lower taxes, protecting our families, and building our economy.

Together, we advanced that vision.

While addressing a wide variety of issues important to Nebraskans and important to the future of our State, our common focus remained on that four point agenda.

More specifically, the budget we agreed on was based on the principles of spending restraint, funding our priorities, and providing tax relief.

We achieved the most conservative spending growth in our state's budget in a decade, a renewed commitment to providing services that ensure a continued quality of life for our citizens, and provided more than \$105 million dollars in tax relief measures.

I am proud of that first year effort and grateful for the partnership that we developed during my first year in office.

Today, I am presenting my legislative initiatives and recommendations for mid-biennium adjustments to the 1999-2001 biennial budget. With this legislation, and these budget adjustments, I continue to emphasize the priorities of lower taxes, less government, building Nebraska's economy, and protecting our families, with an added focus on initiatives which will help ensure the health, safety, and success of our children.

Starting with lower taxes, I am proposing that we repeat the \$30 million dollar community college aid that resulted in dollar for dollar property tax relief in 1999. Coupled with the \$35 million dollar tax credit already approved for this year, property taxpayers – including the farmer in West Point, the homeowner in Bellevue, the business woman in Lincoln, and the rancher in Cheyenne County – would benefit from \$65 million dollars in direct property tax relief this year.

I also propose that we hold to our commitment to allocate over-appropriated funds in the state aid to education formula to the following year's school aid. This issue was debated extensively when LB 149 and LB 881 were considered by this body a year ago. I believe that policy decision was the right thing to do especially considering the coming school tax levy drop and the commitment of the Unicameral to substitute state funds for lost property tax revenues.

The additional \$30 million dollars in community college aid and the reappropriation of an estimated \$34 million in school aid is a strong commitment to property tax relief, funding education, and maintaining the budget agreement we made a year ago.

It is an appropriate point in my comments to commend the Legislature for your collective commitment to property tax relief. Few issues are as complex and as difficult as this issue.

If we provide another year of community college aid, in addition to the direct credit and the school levy drop, a total of \$155 million in state resources will have been dedicated to property tax relief. That is in addition to the areas where the cost of services were transferred from local to State government--such as Medicaid, municipal courts, and property tax assessment. And in addition to those changes, today, approximately 38 percent, or 888 million of the State general fund budget, in one form or another, is provided as State aid to local governments to help lower property taxes.

The plan I have offered fits within your ongoing commitment to be a partner in the property tax relief effort. I ask you to adopt the property tax plan I have placed before you and then let's continue our efforts in this area as we look to the future.

I pledge that my door will always be open to visit with you or any Nebraskan about an idea or proposal you have for property tax relief. Our common search for new ways to help homeowners, farmers, ranchers, and all those who feel the burden of property tax continues.

Now let me turn my attention to a more efficient state government -- a government more responsive to the needs of our citizens.

Along with your Natural Resources Committee, I am proposing the merger of the Department of Natural Resources and the Department of Water Resources. I ask you to approve this merger because it is good public policy to incorporate the functions of these two agencies into a single agency. We expect this merger will improve service and coordination of resources, eliminate confusion over which agency sets what water policy, and cause efficiencies and savings in future years. In this budget recommendation, I propose that these agencies absorb the estimated cost of the merger.

Now allow me to focus on our state's economy. It is the state of our overall economy that has drawn my attention and the attention of many of you.

On the surface, the State's economy is solid and sound. But we must ask ourselves -- does that same condition exist in all 93 Nebraska counties?

The economy in our metropolitan areas and larger counties is experiencing growth we can all be extremely proud of. The economic engine is working and driving the general indicators of prosperity in our State.

But the economy in our rural areas and more sparsely populated counties has been adversely impacted by the crisis that has afflicted the agriculture economy. Many parts of our state need our help in diversifying their local economy in addition to a boost for agriculture.

The problems caused by a lack of diversification in the rural economy coupled with low commodity prices will take time to overcome and will require a comprehensive approach.

Nebraska definitely is confronted by a two-track economy. If we accomplish one thing this session, it should be to balance economic opportunity from east to west and north to south in our State. I believe the "Rural Economic Opportunities Act" will do exactly that.

I want to thank Senator Jerry Matzke for leading this legislative initiative. And I also want to thank the thirty-four co-sponsors of this important legislation. This economic development tool will fill in the gap so-to-speak and encourage job creation and capital investment in Nebraska's small and mid-size counties. Industries that could qualify under this tax incentive plan include manufacturing, warehousing, transportation, research and development, insurance, data processing, or telecommunications.

Another key area of economic development that this proposal is meant to encourage is value-added agriculture. We have the land, the crops, the animals, and the people to make value-added agriculture an even bigger component of our economy. The result will be greater demand for raw commodities and an increased share of the consumer dollar for Nebraska's farmers and ranchers. In other words, increased income and increased profitability for agriculture producers who have been struggling in the face of historic or near historic low commodity prices.

As a much-needed boost for value-added agriculture, I am proposing more than \$1 million dollars in increased support for value-added activity in the Department of Economic Development and the Department of Agriculture. These additional funds – which would come from reallocated resources within the departments, increased general fund support, and a partnership with industry groups – will take the Nebraska Value-Added Agriculture Initiative to another level of success.

An emphasis on property tax relief, value-added agriculture, and encouraging economic opportunity in rural Nebraska is in my judgement good for the entire state. Harnessing the economic potential of all Nebraskans will ensure a strong foundation for an optimistic future.

As we strive to build a stronger and more diversified statewide economy, I also turn your attention to the need to protect our families. An important component of that priority is public safety. I have already identified priorities in this area.

First, adopting lethal injection as the method of carrying out a sentence in capital cases.

Second, reform of the post conviction appeals process. The present system of unlimited appeals has caused many Nebraskans to lose faith in the effectiveness of the criminal justice system. I urge you to reform post-conviction appeals this session.

Third, I am proposing to add twelve state troopers, six of them to be

deployed for community policing services and six troopers to work in the area of highway safety.

Fourth, I am proposing conversion of the Law Enforcement Training Center in Grand Island to an open enrollment, tuition-based law enforcement certification training program. Basic pre-certification training would be completed at community colleges or other educational institutions prior to enrollment and completion of the basic law enforcement training program. The program will reduce salary training costs at the local level while providing an available pool of qualified and trained applicants to refill law enforcement vacancies on a more timely basis.

Fifth, I am proposing additional funds to upgrade the Criminal Justice Information Systems, giving law enforcement greater access to more criminal information and history.

As an addition to these measures, I am identifying one other priority in the area of public safety. I am proposing to convert carrier enforcement officers to state troopers. I am proposing that this be done in a way that places no additional burden on gasoline tax revenues with a commitment that these troopers will devote their full time to carrier enforcement duties. This proposal is submitted for your consideration due to the retention issues we are facing with the current system. The continuous turnover of carrier enforcement personnel is making it extremely difficult to maintain the integrity of carrier enforcement efforts.

I ask for your support of these criminal justice initiatives.

My final comments in this message address our State's most important asset -- our children.

In the past year, I have championed childhood immunizations, sought to ensure access to health insurance for children in low income families, encouraged adoption, promoted reading to children, sought solutions to the affordability and accessibility of quality child care, supported mentoring of at-risk children, visited schools and talked to students of all ages, toured the Youth Rehabilitation and Training Centers at Kearney and Geneva, co-sponsored the youth violence summit held last summer, appointed a blue ribbon panel of experts to review the state's infant mortality rate, and sought improvements in our State's juvenile justice system.

The health, safety, and development of Nebraska's children is a high priority for my administration.

Accordingly, my budget recommendations include a number of investments to secure a better future for our children.

Adjustments include additional dollars for child care, child welfare services, and adoption assistance for families willing to provide caring homes for

children eligible for adoption.

As an outgrowth of the recently completed Juvenile Facilities Master Plan, I am recommending that either an existing facility be renovated or a new building be built to house a Parole Revocation program. In addition, operating funds are provided to begin a Wilderness Camp program for juvenile offenders. Both of these efforts address overcrowding at the Youth Rehabilitation and Treatment Centers and will allow current staff to more effectively treat the youth who are properly committed at those facilities for care.

I am also proposing the continuation of a pilot program called the Learning Extensions program created through a partnership with Omaha Public Schools and Omaha Together One Community and the Nebraska Health and Human Services System. The goal is to increase parental involvement and thereby improve the child's academic performance.

In my budget modification, I add nearly \$28 million dollars to cover child care expansions that occurred without your approval and before I came to office. Please be assured of my disapproval of the practice of making administrative expansion of programs that involve fundamental policy issues without authorization by this body. I can, and will, address some administrative issues that will make the child care program more sensible. But, together, we must engage in a policy debate to decide an appropriate level of benefits that ensures fiscal stability for this program and that provides a benefit for those Nebraskans truly in need.

As a state, we continue to experience more children being placed into state custody. Therefore, an additional \$11 million is sought to cover this cost. We will initiate an all out effort to secure federal matching funds to lessen the impact on the general fund. Additional funds are also being set aside to finance Kids Connection to be sure that children in low income families have adequate health care.

Further, I am asking that you pass LB 482 which provides adoption assistance for families who adopt state wards – our goal must be to provide a permanent family for each child in our custody who is ready for adoption.

I am also putting funds in the budget for an additional Foster Care Review Board Specialist to monitor the placement of children in out of home care. I set aside funding necessary to establish the State Disbursement Unit for child support payments as required by federal law. And I have proposed legislation to implement a School-to-Career program and to provide new support for youth mentoring.

Finally, I am announcing that I have directed the Lieutenant Governor and the Health and Human Services Policy Secretary to form a team to address the question of what we can do as a State to ensure that every child in Nebraska is healthy, safe, and successful. This team will review the entire

system of State services for children and recommend how we can better focus our resources to meet the needs of our children.

In addition, the Lieutenant Governor will lead a partnership between the State Department of Education and the Health and Human Services System on early childhood care and education issues. The partnership's focus will be to implement the Business Council on Child Care Financing's recommendation to coordinate, consolidate, or eliminate multiple and duplicate commissions and boards for the purpose of efficiently administering, managing and monitoring early childhood care and education in Nebraska.

Without a close second, the emphasis of this message has been upon the health, safety, and success of our children. The funds I am seeking and the initiatives I have proposed are important and in my judgement a sound investment for our long-term future.

A year ago I delivered my first State of the State message. I told you that we could and must work together for our great state.

I repeat that message today.

Working together we unite Nebraska as we advance a vision which benefits all of our citizens; a vision of less government, lower taxes, building our economy, protecting our families, and advancing the health, safety, and success of our children.

The committee escorted Governor Mike Johanns from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1210. Introduced by Robak, 22; Bohlke, 33; Kiel, 9; Price, 26; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to mental illness; to adopt the Program for Assertive Community Treatment Act.

LEGISLATIVE BILL 1211. Introduced by Robak, 22; Bohlke, 33; Suttle, 10.

A BILL FOR AN ACT relating to dental services; to state findings; to create the Task Force on Dental Services; to provide duties; and to provide a termination date.

LEGISLATIVE BILL 1212. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Rural Health Systems and

Professional Incentives Act; to amend sections 71-3515.02 and 71-5652, Reissue Revised Statutes of Nebraska, and sections 71-5653, 71-5662, 71-5663, and 71-5668, Revised Statutes Supplement, 1998; to change provisions relating to dental students and amounts of financial assistance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1213. 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 schools; to amend sections 79-4,111 and 79-1023, Revised Statutes Supplement, 1998, and sections 13-508, 79-1001, 79-1003, 79-1024, 79-1026, 79-1028, and 79-1029, Revised Statutes Supplement, 1999; to change provisions relating to voting on budget overrides; to add and change provisions relating to certification of limitations as prescribed; to eliminate provisions relating to recertification of state aid and determination of Class I school district budgets; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1022.01 and 79-1083.03, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1214. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Reissue Revised Statutes of Nebraska, and section 77-5304, Revised Statutes Supplement, 1999; to provide for transfers of funds; to provide for allocation of certain funds to community college areas; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1072.04, Revised Statutes Supplement, 1999; and to declare an emergency.

LEGISLATIVE BILL 1215. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to health care; to amend section 71-7610, Revised Statutes Supplement, 1998; to provide for the use of certain funds for the medical assistance program as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1216. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 68-601 to 68-605, 68-608, 68-610, 68-612, 68-613, 68-620, 68-622, 68-631, 72-815, 81-1108.03, 81-1108.05, 81-1108.15, 81-1110.02, 81-1110.04, and 81-1117.01, Reissue Revised Statutes of Nebraska, sections 68-621 and 72-816, Revised Statutes Supplement, 1999, and Laws 1999, LB 873, sections 1, 3, 4, and 5; to provide for transfers; to create a fund; to rename funds; to change provisions relating to the uses of various funds; to

harmonize provisions; to change transfer provisions; to provide and change termination dates; to repeal the original sections; to outright repeal sections 68-614, 68-615, 68-617, and 68-618, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1217. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 90A, section 1; Laws 1999, LB 131A, section 1; Laws 1999, LB 144, section 1; Laws 1999, LB 637A, section 2; Laws 1999, LB 878, sections 30, 39, 43, 45, and 60; and Laws 1999, LB 880, sections 14, 17, 20, 32, 56, 77, 90 to 95, 102, 103, 104, 109, 124, 149, 151, 152, 157, 159, 160, 204, 211, 221, 235, 237, 238, 242, 244, 250, 262, 264, and 267; 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.

RESOLUTION

LEGISLATIVE RESOLUTION 294CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 10 and 14:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to 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 session held in an odd-numbered year may be considered at the next regular 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 the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members; and shall choose its own officers, including a Speaker, ~~to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~ 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. The Legislature may

punish by imprisonment any person not a member thereof who shall be 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 in such disorderly or contemptuous behavior."

III-14 "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 the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject 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. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer, shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature."

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 references to the Lieutenant Governor as the presiding officer of the Legislature.

For

Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 505. Senator Landis renewed his pending amendment, AM2018, found on page 235.

Senators Dierks, Robak, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler offered the following amendment to the Landis pending amendment:

FA261

Amend AM2018

On page 7, line 24 sentence 24 strike "federal and"

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Senator Thompson filed the following amendment to LB 750:
AM2012

(Amendments to Standing Committee amendments, AM0424)

- 1 1. Strike amendment 2 and insert the following new
2 amendments:
- 3 "1. Insert the following new sections:
- 4 'Section 1. Section 71-5701, Reissue Revised Statutes of
5 Nebraska, is amended to read:
- 6 71-5701. Sections 71-5701 to 71-5713 and section 4 of
7 this act may be cited as the Nebraska Clean Indoor Air Act.
- 8 Sec. 2. Section 71-5702, Reissue Revised Statutes of
9 Nebraska, is amended to read:
- 10 71-5702. The purpose of ~~sections 71-5701 to 71-5713~~ the
11 Nebraska Clean Indoor Air Act is to protect the public health,
12 comfort, and environment by prohibiting smoking in public places
13 and at public meetings except in designated smoking areas.
- 14 Sec. 3. Section 71-5703, Reissue Revised Statutes of
15 Nebraska, is amended to read:
- 16 71-5703. For purposes of ~~sections 71-5701 to 71-5713~~ the
17 Nebraska Clean Indoor Air Act, unless the context otherwise
18 requires, the definitions found in sections 71-5704 to 71-5706 and
19 section 4 of this act shall be used.
- 20 Sec. 4. Bar shall mean an establishment where the
21 business is devoted primarily to providing entertainment, dancing,
22 and the sale of alcoholic beverages to the public and not primarily
23 to the service of food. The sale of food shall be less in amount
1 or volume than the sales of alcoholic beverages plus the receipts
2 from entertainment and dancing.
- 3 Sec. 9. Section 71-5713, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 71-5713. The Department of Health and Human Services
6 Regulation and Licensure, a local board of health, or any affected
7 party may institute an action in any court with jurisdiction to
8 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
9 Air Act.'
- 10 3. On page 3, reinstate beginning with 'other' in line
11 21 through 'bar' in line 22; in line 24 reinstate 'If a bar'; and
12 reinstate beginning with 'is' in line 25 through line 27.
- 13 4. On page 4, line 5, strike '2000' and insert '2001';
14 in line 12 after 'sections' insert '71-5701, 71-5702, 71-5703,';
15 and in lines 12 and 13 strike 'and 71-5710' and insert '71-5710,
16 and 71-5713'."
- 17 2. Renumber the remaining amendment accordingly.

ANNOUNCEMENT

Senator Wickersham announces the Revenue Committee will hold an

executive session Wednesday, January 12, 2000, at 1:00 p.m., in Room 1524.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 968	Wednesday, January 19, 2000	1:30 p.m.
LB 895	Wednesday, January 19, 2000	1:30 p.m.
LB 1006	Wednesday, January 19, 2000	1:30 p.m.
LB 1036	Wednesday, January 19, 2000	1:30 p.m.
LB 1073	Wednesday, January 19, 2000	1:30 p.m.
LB 1039	Wednesday, January 19, 2000	1:30 p.m.
LB 945	Wednesday, January 19, 2000	1:30 p.m.
LB 1066	Thursday, January 20, 2000	1:30 p.m.
LB 944	Thursday, January 20, 2000	1:30 p.m.
LB 942	Thursday, January 20, 2000	1:30 p.m.
LB 947	Thursday, January 20, 2000	1:30 p.m.
LB 967	Thursday, January 20, 2000	1:30 p.m.
LB 1042	Thursday, January 20, 2000	1:30 p.m.
LB 1043	Thursday, January 20, 2000	1:30 p.m.
LB 949	Thursday, January 20, 2000	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 1218. Introduced by Landis, 46; Cudaback, 36; Price, 26.

A BILL FOR AN ACT relating to Motor Vehicle Safety Responsibility Act; to amend sections 60-312, 60-321, 60-501, 60-502, 60-504, 60-511, 60-512, 60-513, 60-514, 60-520, 60-523, 60-525, 60-533, 60-536, 60-538, 60-539, 60-540, 60-545, 60-546, 60-547, 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, 60-569, and 60-1515, Reissue Revised Statutes of Nebraska, and section 60-302, Revised Statutes Supplement, 1999; to provide for operator's license, motor vehicle registration, and license plate suspension as prescribed; to define terms; to create the motor vehicle insurance identification data base program; to provide duties for insurance companies; to provide penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1219. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Property Assessment and Taxation.

LEGISLATIVE BILL 1220. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water wells; to amend section 46-1201, Reissue Revised Statutes of Nebraska; to exempt natural resources district employees from certain certification requirements; and to repeal the original section.

LEGISLATIVE BILL 1221. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 44-5016, 48-118, 48-122.01, 48-124, 48-128, 48-144.04, 48-155, 48-162.02, 48-174, 48-179, 48-195, 48-196, and 48-1,107, Reissue Revised Statutes of Nebraska, and section 48-162.01, Revised Statutes Supplement, 1999; to create, eliminate, and transfer funds; to change the age of majority, service, and review provisions; to eliminate certain duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1222. Introduced by Vrtiska, 1; Aguilar, 35; Baker, 44; Beutler, 28; Bohlke, 33; Bromm, 23; Byars, 30; Connealy, 16; Coordsen, 32; Cudaback, 36; Dickey, 18; Dierks, 40; Engel, 17; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Kristensen, 37; Matzke, 47; Raikes, 25; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to economic development; to adopt the Value-Added Partnerships Act; and to provide a termination date.

LEGISLATIVE BILL 1223. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend section 77-2734.03, Revised Statutes Supplement, 1998, and sections 77-5203 to 77-5205 and 77-5209 to 77-5211, Revised Statutes Supplement, 1999; to change provisions relating to qualification for tax credits, reports, and board members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1224. Introduced by Crosby, 29; Bohlke, 33; Hartnett, 45; Kiel, 9; Robak, 22; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds to the Nebraska Library Commission.

LEGISLATIVE BILL 1225. Introduced by Lynch, 13; Bohlke, 33;

Bromm, 23; Byars, 30; Chambers, 11; Dickey, 18; Dierks, 40; Jones, 43; Landis, 46; Price, 26; Quandahl, 31; Robak, 22; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to medical care; to adopt the Traumatic or Acquired Brain Injury Act.

LEGISLATIVE BILL 1226. Introduced by Thompson, 14; Bohlke, 33; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to teachers; to create the Master Teacher Program; to provide for certification; to provide for awards; to provide for rules and regulations; and to declare an emergency.

LEGISLATIVE BILL 1227. Introduced by Thompson, 14; Bohlke, 33; Hartnett, 45; Matzke, 47; Price, 26; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to teachers; to adopt the Attracting Excellence to Teaching Program Act.

LEGISLATIVE BILL 1228. Introduced by Thompson, 14; Bohlke, 33; Price, 26; Schrock, 38.

A BILL FOR AN ACT relating to colleges and universities; to state intent; to define terms; to create a scholarship program; to provide for funding; to provide duties; and to declare an emergency.

UNANIMOUS CONSENT - Add Coinroducers

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 1024. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 936. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 1044. No objections. So ordered.

RECESS

At 11:59 a.m., on a motion by Senator Suttle, 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 Senators Crosby

and Dw. Pedersen who were excused; and Senators Bohlke, Brashear, Bromm, Coordsen, Cudaback, Dierks, Hartnett, Kristensen, Lynch, Matzke, Price, Raikes, Redfield, Robak, and Wickersham who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 933	Wednesday, January 19, 2000	1:30 p.m.
LB 1126	Wednesday, January 19, 2000	1:30 p.m.
LB 956	Wednesday, January 19, 2000	1:30 p.m.
LB 1021	Wednesday, January 19, 2000	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 292.

GENERAL FILE

LEGISLATIVE BILL 505. Senator Beutler withdrew his amendment, FA261, found on page 262.

The Landis pending amendment, AM2018, found on page 235 and considered on page 262, was renewed.

Senator Landis moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Landis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Aguilar	Beutler	Brown	Byars	Chambers
Connealy	Dickey	Jensen	Kiel	Kremer
Landis	Matzke	Pederson, D.	Preister	Price
Raikes	Redfield	Schimek	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein		

Voting in the negative, 20:

Baker	Bourne	Bromm	Bruning	Coordsen
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kristensen	Lynch	Quandahl	Robak
Schmitt	Schrock	Smith	Tyson	Wickersham

Excused and not voting, 6:

Bohlke Brashear Crosby Cudaback Dierks
Pedersen, Dw.

The Landis amendment lost with 23 ayes, 20 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Price moved to indefinitely postpone LB 505.

Laid over.

UNANIMOUS CONSENT - Member Excused

Senator Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING
General Affairs**

Monday, January 24, 2000 1:30 p.m.
State Electrical Board
James Dietz
Riley George
Nebraska Arts Council
R. Paul Sjulín

LB 973	Monday, January 24, 2000	1:30 p.m.
LB 975	Monday, January 24, 2000	1:30 p.m.
LB 977	Monday, January 24, 2000	1:30 p.m.
LB 979	Monday, January 24, 2000	1:30 p.m.
LR 289CA	Monday, January 24, 2000	1:30 p.m.

(Signed) Ray Janssen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 480. Considered.

Senator Schimek asked unanimous consent to replace her pending amendment, AM1503, found on page 1747, First Session, 1999, with a substitute amendment. No objections. So ordered.

Senator Schimek withdrew her amendment, AM1503, found on page 1747, First Session, 1999 .

Senator Schimek renewed her substitute pending amendment, AM1749, found on page 2026, First Session, 1999.

Senator Tyson offered the following amendment to the Schimek pending amendment:

AM1785

(Amendments to AM1749)

- 1 1. On page 4, line 12, strike "shall" and insert "may".
- 2 2. On page 5, line 12, strike "requires" and insert
- 3 "allows"; in line 15 after the period insert "The services, policy,
- 4 advocacy, and education performed by or through the Women's Health
- 5 Initiative of Nebraska shall be provided, developed, or conducted
- 6 in a manner consistent with the state's interests in favoring
- 7 childbirth over abortion."; and strike beginning with "pay" in line
- 8 16 through "services" in line 17 and insert "be paid or granted to
- 9 organizations or affiliates of organizations which perform,
- 10 promote, or refer for abortions".

Senator Chambers requested a division of the question on the Tyson amendment.

The Chair sustained the division of the question.

The first Tyson amendment, to the Schimek pending amendment, is as follows:

FA262

(Amendments to AM1749)

- 1 1. On page 4, line 12, strike "shall" and insert "may".

SPEAKER KRISTENSEN PRESIDING

Senator Tyson moved for a call of the house. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

The first Tyson amendment lost with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The second Tyson amendment, to the Schimek pending amendment, is as follows:

FA263

(Amendments to AM1749)

- 2 2. On page 5, line 12, strike "requires" and insert
- 3 "allows";

Senators Beutler, Coordsen, and Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1229. Introduced by Brashear, 4; Quandahl, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1558, Reissue Revised Statutes of Nebraska; to change provisions relating to garnishment of wages; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1230. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-324 and 77-27,144, Reissue Revised Statutes of Nebraska; to provide for allocation of certain local sales tax revenue; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1231. Introduced by Brown, 6.

A BILL FOR AN ACT relating to children; to amend sections 43-2505, 43-2620, and 71-1917, Revised Statutes Supplement, 1999; to change a council; to eliminate certain committees; to provide and transfer powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 43-2506 and 43-2611 to 43-2614, Reissue Revised Statutes of Nebraska, and sections 43-2610 and 43-2615, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1232. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Chadron State College building construction; and to declare an emergency.

LEGISLATIVE BILL 1233. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to state intent; to provide an appropriation for the veteran cemetery system; and to declare an emergency.

LEGISLATIVE BILL 1234. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Beutler, 28; Bohlke, 33; Bourne, 8; Bromm, 23; Bruning, 3; Byars, 30; Connealy, 16; Coordsen, 32; Cudaback, 36; Dickey, 18; Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kiel, 9; Kremer, 34; Kristensen, 37; Lynch, 13; D. Pederson, 42; Preister, 5; Price, 26; Robak, 22; Schimek, 27; Schmitt, 41; Smith, 48; Stuhr, 24; Thompson, 14; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the environment; to improve air quality by reducing carbon monoxide emissions; to establish a renewable fuel

content standard for gasoline sold in Nebraska; to provide exceptions to the standard; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1235. Introduced by Smith, 48.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-4801, Revised Statutes Supplement, 1998; to change provisions relating to the issuance of citations for violations of codes; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1236. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-758, Revised Statutes Supplement, 1999; to change provisions relating to qualifications for incentive payments; and to repeal the original section.

LEGISLATIVE BILL 1237. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Reissue Revised Statutes of Nebraska; to change a penalty relating to the use of child passenger restraint and occupant protection systems; and to repeal the original section.

LEGISLATIVE BILL 1238. Introduced by Bromm, 23; Hudkins, 21; D. Pederson, 42; Quandahl, 31; Smith, 48; Wickersham, 49.

A BILL FOR AN ACT relating to certain cities and villages; and to eliminate bond requirements as prescribed.

LEGISLATIVE BILL 1239. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to state highways; to amend section 39-1345.01, Reissue Revised Statutes of Nebraska; to change provisions relating to contractor liability; and to repeal the original section.

LEGISLATIVE BILL 1240. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-134, Reissue Revised Statutes of Nebraska; to change the effective date of commission orders during the pendency of an appeal; and to repeal the original section.

LEGISLATIVE BILL 1241. Introduced by Smith, 48.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 83-162.04, and 83-162.06, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1999; to change provisions

relating to the Compulsive Gamblers Assistance Fund; to provide for transfers; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

EXPLANATION OF VOTE

Had I been present, I would have voted "no" on the Landis amendment, AM2018, to LB 505.

(Signed) Ardyce Bohlke

NOTICE OF COMMITTEE HEARING Natural Resources

LB 1112	Thursday, January 20, 2000	1:30 p.m.
LB 939	Thursday, January 20, 2000	1:30 p.m.
LB 904	Thursday, January 20, 2000	1:30 p.m.

Thursday, January 20, 2000	1:30 p.m.
Environmental Quality Council	
Robert E. Bettger	
Nebraska Ethanol Board	
Dave Hilferty	
Game and Parks Commission	
Randall Stinnette	
Marvin Westcott	

(Signed) Edward J. Schrock, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 1021. No objections. So ordered.

Senator Schrock asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 1018. No objections. So ordered.

VISITORS

The Doctor of the Day was Dr. Timothy Zimmerman from Lincoln.

ADJOURNMENT

At 4:21 p.m., on a motion by Senator D. Pederson, the Legislature adjourned until 9:00 a.m., Thursday, January 13, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 13, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 13, 2000

PRAYER

The prayer was offered by Pastor Dale Marples, Love and Grace Family Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Crosby and Dickey who were excused; and Senators Byars, Hartnett, Kiel, and Landis 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:

LB/LR	Committee
LB 1174	General Affairs
LB 1175	Appropriations
LB 1176	Banking, Commerce and Insurance
LB 1177	Banking, Commerce and Insurance
LB 1178	Nebraska Retirement Systems
LB 1179	Government, Military and Veterans Affairs
LB 1180	Revenue
LB 1181	Banking, Commerce and Insurance
LB 1182	Urban Affairs
LB 1183	Urban Affairs
LB 1184	Natural Resources

LB 1185	Appropriations
LB 1186	Transportation and Telecommunications
LB 1187	Revenue
LB 1188	Revenue
LB 1189	Health and Human Services
LB 1190	Government, Military and Veterans Affairs
LB 1191	Government, Military and Veterans Affairs
LB 1192	Nebraska Retirement Systems
LB 1193	Revenue
LB 1194	Health and Human Services
LB 1195	Health and Human Services
LB 1196	Government, Military and Veterans Affairs
LB 1197	Banking, Commerce and Insurance
LB 1198	Urban Affairs
LB 1199	Government, Military and Veterans Affairs
LB 1200	Nebraska Retirement Systems
LB 1201	Judiciary
LB 1202	Judiciary
LB 1203	Judiciary
LB 1204	Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Education

LB 1003	Monday, January 24, 2000	1:30 p.m.
LB 1010	Monday, January 24, 2000	1:30 p.m.
LB 1054	Monday, January 24, 2000	1:30 p.m.
Monday, January 24, 2000		1:15 p.m.
Board of Educational Lands and Funds		
M. Jane Keller		

(Signed) Ardyce L. Bohlke, Chairperson

Banking, Commerce and Insurance

LB 917	Monday, January 24, 2000	1:30 p.m.
LB 918	Monday, January 24, 2000	1:30 p.m.
LB 1062	Monday, January 24, 2000	1:30 p.m.
LB 1068	Monday, January 24, 2000	1:30 p.m.
LB 1084	Monday, January 24, 2000	1:30 p.m.

(Signed) David M. Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 12, 2000, 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; Nebraska Fertilizer and Ag Chemical Institute; Omaha Housing Authority; Omaha Police Union, Local 101
 Alberts, Dan – Lincoln; American Corn Growers Association
 Anderson, Robert L. – Lincoln; Anderson Management Services, Inc.; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
 Anderson, Shannon – Kansas City, MO; Health Insurance Association of America; Merck & Company, Human Health Division
 Barnett, Linda – Lincoln; YMCA's of Nebraska
 Cutshall & Associates – Lincoln; Nebraska Manufactured Housing Association
 Goc, John J. – Lincoln; Nebraska Keno Operators
 Licht, Alice – Lincoln; Anderson Management Services, Inc.; Automotive Recycling Industry of Nebraska; Nebraska Coalition for Interior Designers; Nebraska Fertilizer & Ag-Chemical, Inc.; Nebraska Hotel & Motel Association, Inc.; Nebraska State Pest Control Association
 O'Hara and Associates, Inc. – Lincoln; Nebraska Association of Independent Ambulatory Centers
 Remington, S. June – Lincoln; Nebraska Association of Health Underwriters
 Scarpello, Sam M. – Beaver Lake; Nebraska State Council of Electrical Workers; Nebraska State Utility Workers Conference; Omaha Building & Construction Trade's Council; Omaha Federation of Labor
 Schmit Industries, Inc. – Lincoln; Nebraska Chiropractic Physicians Association
 Skochdopole, Robert A. – Omaha; Joslyn Art Museum
 Tideman, David R. – Bloomington; State Farm Insurance Companies
 Warth, Terry – Lincoln; Nebraska Public Power District
 Welsch, Mark E. – Omaha; GASP-Group to Alleviate Smoking Pollution

ANNOUNCEMENT

Senator Jensen announces the Health and Human Services Committee will hold an executive session Thursday, January 13, 2000, at 11:30 a.m., in Room 2022.

GENERAL FILE

LEGISLATIVE BILL 480. The second Tyson pending amendment, FA263, found on page 269, to the Schimek pending amendment, AM1749, found on page 2026, First Session, 1999, was renewed.

Senator Tyson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Senator Tyson requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Baker	Dierks	Engel	Hilgert	Jones
Kremer	Redfield	Smith	Tyson	

Voting in the negative, 24:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Chambers	Connealy
Coordsen	Cudaback	Hudkins	Janssen	Kristensen
Lynch	Matzke	Price	Raikes	Robak
Schimek	Suttle	Thompson	Wickersham	

Present and not voting, 10:

Jensen	Pedersen Dw.	Pederson D.	Preister	Quandahl
Schmitt	Schrock	Stuhr	Vrtiska	Wehrbein

Excused and not voting, 6:

Byars	Crosby	Dickey	Hartnett	Kiel
Landis				

The second Tyson amendment lost with 9 ayes, 24 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Schrock, Hilgert, Quandahl, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The third Tyson amendment, to the Schimek pending amendment, is as follows:

FA264

(Amendments to AM1749)

in line 15 after the period insert "The services, policy,
4 advocacy, and education performed by or through the Women's Health
5 Initiative of Nebraska shall be provided, developed, or conducted
6 in a manner consistent with the state's interests in favoring
7 childbirth over abortion."

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

The third Tyson amendment lost with 17 ayes, 21 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The fourth Tyson amendment, to the Schimek pending amendment, is as follows:

FA265

(Amendments to AM1749)

; and strike beginning with "pay" in line
 8 16 through "services" in line 17 and insert "be paid or granted to
 9 organizations or affiliates of organizations which perform,
 10 promote, or refer for abortions".

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

The fourth Tyson amendment lost with 14 ayes, 21 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Schimek pending amendment, AM1749, was adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Senator Tyson withdrew his amendment, AM1597, found on page 1811, First Session, 1999.

Senator Schimek moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Beutler	Bohlke	Bourne	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Cudaback	Janssen	Kiel	Kristensen	Landis
Lynch	Matzke	Price	Raikes	Robak
Schimek	Schmitt	Schrock	Stuhr	Suttle
Thompson	Wickersham			

Voting in the negative, 15:

Baker	Brashear	Coordsen	Engel	Hartnett
Hudkins	Jensen	Jones	Kremer	Pederson, D.

Redfield Smith Tyson Vrtiska Wehrbein

Present and not voting, 2:

Pedersen, Dw. Preister

Excused and not voting, 5:

Crosby Dickey Dierks Hilgert Quandahl

Advanced to E & R for review with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 480A. Title read. Considered.

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

Senator Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Beutler	Bohlke	Bourne	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Janssen	Kiel	Kristensen	Landis	Matzke
Price	Raikes	Robak	Schimek	Schmitt
Schrock	Stuhr	Suttle	Thompson	Wickersham

Voting in the negative, 12:

Baker	Brashear	Engel	Jensen	Jones
Kremer	Pedersen, Dw.	Pederson, D.	Redfield	Smith
Tyson	Wehrbein			

Present and not voting, 8:

Bromm	Brown	Hartnett	Hudkins	Lynch
Preister	Quandahl	Vrtiska		

Excused and not voting, 4:

Crosby	Dickey	Dierks	Hilgert
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Advanced to E & R for review with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senators Bruning, Connealy, Bohlke, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1242. Introduced by Crosby, 29; Beutler, 28; Landis, 46.

A BILL FOR AN ACT relating to Centennial Mall; to appropriate funds for Centennial Mall improvements; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 1243. Introduced by Bohlke, 33; Cudaback, 36; Engel, 17; Hudkins, 21; Lynch, 13; Matzke, 47; D. Pederson, 42; Price, 26; Raikes, 25; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14; Wickersham, 49.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1115, Revised Statutes Supplement, 1998, and section 79-1145, Revised Statutes Supplement, 1999; to redefine a term; to change provisions relating to reimbursement; and to repeal the original sections.

LEGISLATIVE BILL 1244. Introduced by Bohlke, 33; Aguilar, 35; Janssen, 15.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change provisions relating to emission fees; to eliminate obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 1245. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to postsecondary education; to state intent; and to provide for development of a student information tracking system.

LEGISLATIVE BILL 1246. Introduced by Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to schools; to amend section 79-234, Reissue Revised Statutes of Nebraska, and section 79-473, Revised Statutes Supplement, 1998; to change provisions relating to annexation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1247. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for expansion of the Agriculture Hall facility at State Fair Park; and to declare an emergency.

LEGISLATIVE BILL 1248. Introduced by Dierks, 40; Kremer, 34.

A BILL FOR AN ACT relating to medicare supplement insurance; to amend sections 44-3602 to 44-3604 and 44-3607, Reissue Revised Statutes of Nebraska; to change eligibility requirements as prescribed; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 999	Friday, January 21, 2000	1:30 p.m.
LB 1000	Friday, January 21, 2000	1:30 p.m.
LB 1040	Friday, January 21, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Revenue

LB 1031	Friday, January 21, 2000	1:30 p.m.
LB 1055	Friday, January 21, 2000	1:30 p.m.
LB 1138	Friday, January 21, 2000	1:30 p.m.
LB 928	Friday, January 21, 2000	1:30 p.m.
LB 1048	Friday, January 21, 2000	1:30 p.m.
LB 1188	Friday, January 21, 2000	1:30 p.m.
LB 936	Wednesday, January 26, 2000	1:30 p.m.
LB 1045	Wednesday, January 26, 2000	1:30 p.m.
LB 1046	Wednesday, January 26, 2000	1:30 p.m.
LB 1047	Wednesday, January 26, 2000	1:30 p.m.
LB 1117	Wednesday, January 26, 2000	1:30 p.m.
LB 925	Thursday, January 27, 2000	1:30 p.m.
LB 1088	Thursday, January 27, 2000	1:30 p.m.
LB 987	Thursday, January 27, 2000	1:30 p.m.
LB 943	Thursday, January 27, 2000	1:30 p.m.
LB 955	Thursday, January 27, 2000	1:30 p.m.
LB 1072	Thursday, January 27, 2000	1:30 p.m.
LB 1155	Thursday, January 27, 2000	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Judiciary

LB 974	Thursday, January 20, 2000	1:30 p.m.
LB 1030	Thursday, January 20, 2000	1:30 p.m.
LB 1059	Thursday, January 20, 2000	1:30 p.m.
LB 1093	Thursday, January 20, 2000	1:30 p.m.
LB 1096	Thursday, January 20, 2000	1:30 p.m.

LB 984	Friday, January 21, 2000	1:30 p.m.
LB 989	Friday, January 21, 2000	1:30 p.m.
LB 1008	Friday, January 21, 2000	1:30 p.m.
LB 1085	Friday, January 21, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Business and Labor

LB 1007	Monday, January 24, 2000	1:30 p.m.
LB 897	Monday, January 24, 2000	1:30 p.m.
LB 915	Monday, January 24, 2000	1:30 p.m.
LB 1123	Monday, January 24, 2000	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

REPORTS

The following reports were received by the Legislature:

Administrative Services

Annual Budgetary Report

Agriculture, Department of

Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food Report

Auditor of Public Accounts

Nebraska Department of Correctional Services – FY 98
 Nebraska Educational Telecommunications Commission – FY 99
 Nebraska Department of Environmental Quality Report - 6/30/99
 Nebraska Department of Environmental Quality – Clean Water State Revolving Fund – FY 98
 Nebraska Department of Environmental Quality – Low Level Radioactive Waste Program Report – 7/1/86 – 6/30/99
 Nebraska Health and Human Services System – Emergency Medical Services Advisory Letter – FY 98
 Nebraska Health and Human Services – Program 424 – Developmental Disability Aid – FY 98
 Nebraska Lottery – FY 99
 Nebraska Natural Resources Commission – FY 99
 Nebraska Public Service Commission – FY 99
 Nebraska Department of Revenue – Cigarette Tax Receipts – FY 99
 Nebraska State Fire Marshal – FY 99
 Nebraska Volunteer Service Commission – FY 98
 University of Nebraska – FY 99
 Wayne State College – FY 99
 Chadron State College – FY 99
 Peru State College – FY 99

Energy Office, Nebraska

Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report ending December 31, 1999

Environmental Quality, Department of

Livestock Waste Management Annual Report

Health and Human Services System, Nebraska

State Disbursement Unit update on child support payments

Investment Finance Authority, Nebraska (NIFA)

1999 Series E Single Family Housing Revenue Bonds

1999 Series G.O.-8 General Obligation Bonds

Legislative Program Evaluation Committee

Nebraska Ethanol Board Final Committee Report

Secretary of State, Office of the

Business Entities Report on Agricultural Activities

University of Nebraska

Progress Report on Increasing Minority and Women Faculty

Nebraska Research Initiative Progress Report - 1998-99

GENERAL FILE

LEGISLATIVE BILL 419. Senator Coordsen renewed his pending amendment, AM2026, found on page 228.

SPEAKER KRISTENSEN PRESIDING

Senator Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Coordsen amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1249. Introduced by Bromm, 23.

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 permit provisions relating to size, weight, and load; and to repeal the

original section.

LEGISLATIVE BILL 1250. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to insurance; to assure coverage of prostate and colorectal cancer screenings and testing for early detection as prescribed.

LEGISLATIVE BILL 1251. Introduced by Raikes, 25; Redfield, 12; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1784, Reissue Revised Statutes of Nebraska; to require electronic payment of taxes as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1252. Introduced by Jensen, 20; Bohlke, 33; Quandahl, 31.

A BILL FOR AN ACT relating to schools; to adopt the Nebraska Schools Construction Alternatives Act.

NOTICE OF COMMITTEE HEARINGS Health and Human Services

LB 963	Friday, January 21, 2000 (cancel)	1:30 p.m.
LB 1023	Friday, January 21, 2000 (cancel)	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LB 1157	Thursday, January 20, 2000	1:30 p.m.
LB 1170	Thursday, January 20, 2000	1:30 p.m.
LB 1106	Thursday, January 20, 2000	1:30 p.m.
LB 935	Thursday, January 20, 2000	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENT - Print in Journal

Senator Lynch filed the following amendment to LB 659:
AM1981

- 1 1. Strike original section 4 and insert the following
- 2 new sections:
- 3 "Sec. 8. Section 9-329, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 9-329. (1) ~~No sales agent~~ Unless otherwise authorized by
- 6 the department, no person shall market, sell, or deliver any pickle

7 card unit to any pickle card operator without first obtaining a
8 license as a sales agent.

9 (2) Any person wishing to operate as a sales agent in
10 this state shall file an application with the department for a
11 license on a form prescribed by the department. Each application
12 for a license shall include (a) the name, address, and social
13 security number of the person applying for the license, (b) the
14 name and state identification number of the licensed organization
15 for which any pickle card units are to be marketed or sold by the
16 applicant, and (c) such other information which the department
17 deems necessary.

18 A statement signed by the person licensed as a
19 utilization-of-funds member signifying that such licensed
20 organization approves the applicant to act as a sales agent on
21 behalf of such organization shall accompany each sales agent's
22 application for a license. No person licensed as a
23 utilization-of-funds member shall be licensed as a sales agent.

24 A fee of fifty dollars shall be charged for each license
1 issued pursuant to this section. The department shall remit the
2 proceeds from such fee to the State Treasurer for credit to the
3 Charitable Gaming Operations Fund. Such licenses shall expire on
4 September 30 of each year or such other date which the department
5 may prescribe by rule and regulation and may be renewed annually.
6 An application for license renewal shall be submitted to the
7 department at least forty-five days prior to the expiration date of
8 the license.

9 (3) The information required by this section shall be
10 kept current. A sales agent shall notify the department within
11 thirty days if any information in the application is no longer
12 correct and shall supply the correct information.

13 (4) The department may prescribe a separate application
14 form for renewal purposes.

15 (5) The department may issue a temporary license pending
16 receipt of additional information or further inquiry.

17 Sec. 27. Section 9-352, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 9-352. (1) Except when another penalty is specifically
20 provided, any person or licensee, or employee or agent thereof, who
21 violates any provision of the Nebraska Pickle Card Lottery Act, or
22 who causes, aids, abets, or conspires with another to cause any
23 person or licensee or any employee or agent thereof to violate the
24 act, shall be guilty of a Class I misdemeanor for the first offense
25 and a Class IV felony for any second or subsequent violation. Any
26 licensee guilty of violating any provision of the act more than
27 once in a twelve-month period may have its license canceled or
1 revoked. Such matters may also be referred to any other state
2 licensing agencies for appropriate action.

3 (2) Each of the following violations of the Nebraska
4 Pickle Card Lottery Act shall be a Class IV felony:

5 (a) Giving, providing, or offering to give or provide,
6 directly or indirectly, to any public official, employee, or agent
7 of this state, or any agencies or political subdivisions of this
8 state, any compensation or reward or share of the money for
9 property paid or received through gambling activities regulated
10 under Chapter 9 in consideration for obtaining any license,
11 authorization, permission, or privilege to participate in any
12 gaming operations except as authorized under Chapter 9 or any rules
13 and regulations adopted and promulgated pursuant to such chapter;

14 (b) Making or receiving payment of a portion of the
15 purchase price of pickle cards by a seller of pickle cards to a
16 buyer of pickle cards to induce the purchase of pickle cards or to
17 improperly influence future purchases of pickle cards;

18 (c) Using bogus, counterfeit, or nonopaque pickle cards,
19 pull tabs, break opens, punchboards, jar tickets, or any other
20 similar card, board, or ticket or substituting or using any pickle
21 cards, pull tabs, or jar tickets that have been marked or tampered
22 with;

23 (d) Intentionally employing or possessing any device to
24 facilitate cheating in any lottery by the sale of pickle cards or
25 use of any fraudulent scheme or technique in connection with any
26 lottery by the sale of pickle cards when the amount gained or
27 intended to be gained through the use of such items, schemes, or
1 techniques is three hundred dollars or more;

2 (e) Knowingly filing a false report under the Nebraska
3 Pickle Card Lottery Act;

4 (f) Knowingly falsifying or making any false entry in any
5 books or records with respect to any transaction connected with the
6 conduct of a lottery by the sale of pickle cards; or

7 (g) Knowingly selling or distributing or knowingly
8 receiving with intent to sell or distribute pickle cards, or pickle
9 card units, or any pickle card dispensing devices authorized by
10 section 1 of this act without first obtaining a license in
11 accordance with the Nebraska Pickle Card Lottery Act pursuant to
12 section 9-329, 9-329.03, 9-330, or 9-332.

13 (3) In all proceedings initiated in any court or
14 otherwise under the act, it shall be the duty of the Attorney
15 General and appropriate county attorney to prosecute and defend all
16 such proceedings.

17 (4) The failure to do any act required by or under the
18 Nebraska Pickle Card Lottery Act shall be deemed an act in part in
19 the principal office of the department. Any prosecution under such
20 act may be conducted in any county where the defendant resides or
21 has a place of business or in any county in which any violation
22 occurred.

23 (5) In the enforcement and investigation of any offense
24 committed under the act, the department may call to its aid any
25 sheriff, deputy sheriff, or other peace officer in the state.".

26 2. On page 2, line 2, after "any" insert "coin-operated

- 27 or currency-operated"; in lines 3 and 4 strike "or other physical
 1 object"; in line 14 after "tokens" insert "nor shall such device
 2 accumulate credits for winning pickle cards. No device authorized
 3 by this section shall have a top or candle light located on the
 4 upper surface of the device, have a handle located on the side of
 5 the device which may or may not be pulled, or display at any time
 6 spinning reels".
- 7 3. On page 3, lines 1 and 4, after "units" insert "or
 8 devices authorized by section 1 of this act".
- 9 4. On page 4, line 6, strike "electronically" and after
 10 "is" insert "electronically"; and in line 8 strike "or other
 11 physical object".
- 12 5. On page 11, line 23; page 12, line 28; page 15, line
 13 18; page 26, lines 14, 18, and 23; page 27, line 5; page 28, line
 14 23; page 32, line 7; page 33, line 28; page 34, lines 13 and 28;
 15 and page 35, lines 7, 12, and 21, before "electronic" insert
 16 "physical or".
- 17 6. On page 15, line 12, after "organization" insert ",
 18 and no pickle card operator shall be obligated to sell individual
 19 pickle cards exclusively on behalf of any one licensed organization
 20 to the exclusion of all others"; and in line 22 after "value"
 21 insert ", and such equipment shall not be purchased, leased, or
 22 rented if the purchase, lease, or rental is based upon an
 23 obligation requiring such operator to only sell individual pickle
 24 cards on behalf of such licensed organization to the exclusion of
 25 all others".
- 26 7. On page 16, line 19, strike "of pickle cards or
 27 pickle card units" and show as stricken.
- 1 8. On page 17, line 1, after "operator" insert ", unless
 2 otherwise authorized by the department"; and in line 28 strike "and
 3 devices".
- 4 9. On page 18, line 6, strike "or", show as stricken,
 5 and insert an underscored comma; in line 7 strike "or any" and
 6 insert ", or"; in line 11 strike the second "or", show as stricken
 7 and insert ", or"; in line 12 after "pickle card units" insert ",
 8 or pickle card dispensing devices authorized by section I of this
 9 act"; and in line 13 after "Class II" insert "or Class III".
- 10 10. On page 19, line 26, strike "electronic".
- 11 11. On page 20, strike beginning with "selling" in line
 12 7 through "state" in line 11 and show the old matter as stricken;
 13 and strike beginning with "of" in line 21 through "units" in line
 14 22 and show as stricken.
- 15 12. On page 21, lines 5 and 13, after "constructed"
 16 insert "or electronically displayed"; in line 16 after "physically"
 17 insert "or electronically"; and strike the new matter beginning
 18 with "or" in line 16 through "act" in line 17.
- 19 13. On page 22, lines 6 and 10, strike "pickle card's
 20 tab or tabs", show the old matter as stricken, and insert "pickle
 21 cards"; in line 8 strike "tabs", show as stricken, and insert

- 22 "pickle cards"; in line 11 strike "tab or tabs", show as stricken,
 23 and insert "pickle card"; in line 13 strike "tabs or" and show as
 24 stricken; in line 14 strike "tabs," and show the old matter as
 25 stricken; and in line 15 strike the underscored comma.
 26 14. On page 23, line 9, strike "or", show as stricken,
 27 and insert an underscored comma; in lines 9 through 11 strike the
 1 new matter and insert ", or pickle card dispensing device
 2 authorized by section 1 of this act"; in lines 13 and 24, after
 3 "Class II" insert "or Class III"; in line 15 strike the second
 4 "or", show as stricken, and insert an underscored comma; in lines
 5 16 and 17 strike the new matter and insert ", or pickle card
 6 dispensing devices authorized by section 1 of this act"; in line 19
 7 strike "No", show as stricken, and insert "Unless authorized by the
 8 department, no"; strike the new matter in lines 20 and 21 and
 9 insert "or any pickle card dispensing device authorized by section
 10 1 of this act"; and in line 28 after "any" insert "pickle card".
 11 15. On page 25, line 28, strike "Pickle", show as
 12 stricken, and insert "Unless otherwise authorized by the
 13 department, pickle" and strike "by the sales" and show as stricken.
 14 16. On page 26, line 1, strike "agent to the", show as
 15 stricken, and insert "to a"; strike beginning with the first "in"
 16 in line 1 through the underscored comma in line 3 and insert "only
 17 by a sales agent's"; and in line 3 strike the first "or", show as
 18 stricken, and insert ", by", after the second "delivery" insert
 19 "arranged by a sales agent," and after "mail" insert an underscored
 20 comma.
 21 17. On page 30, strike lines 7 through 11.
 22 18. On page 34, line 8, strike "pickle cards or pickle
 23 card units", show as stricken, and insert "contraband goods"; and
 24 in line 25 strike "or", show as stricken, and insert an underscored
 25 comma and after "units" insert ", or coin-operated or
 26 currency-operated pickle card dispensing devices for the physical
 27 or electronic dispensing of pickle cards".
 1 19. On page 35, line 23, strike "or", show as stricken,
 2 and insert an underscored comma and after "units" insert ", or
 3 coin-operated or currency-operated pickle card dispensing devices
 4 for the physical or electronic dispensing of pickle cards".
 5 20. On page 36, line 11, strike "9-312,"; in line 12
 6 after "9-322," insert "9-329," and in lines 13 and 14 strike "and
 7 9-351," and insert "9-351, and 9-352,".
 8 21. Renumber the remaining sections and correct internal
 9 references accordingly.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

LB 1012	Monday, January 24, 2000	1:30 p.m.
LB 1018	Monday, January 24, 2000	1:30 p.m.
LB 1019	Monday, January 24, 2000	1:30 p.m.

LB 1027 Monday, January 24, 2000
LB 1090 Monday, January 24, 2000

1:30 p.m.
1:30 p.m.

(Signed) Curt Bromm, Chairperson

ANNOUNCEMENT

Senator Price designates LB 1243 as her priority bill.

GENERAL FILE

LEGISLATIVE BILL 788. 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.

ATTORNEY GENERAL'S OPINION

Opinion #00004

DATE: January 12, 2000

SUBJECT: Preemption Date for Federal "Livestock Mandatory Reporting Act of 1999" over "Nebraska Competitive Livestock Markets Act"; Delayed Implementation of "Nebraska Competitive Livestock Markets Act"

REQUESTED BY: Merton L. ("Cap") Dierks, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General
William R. Barger, Assistant Attorney General

We have received your request for an opinion on two questions. First, when does preemption of federal livestock price reporting laws over our own state livestock price reporting statute begin and, second, what effect would a change in the implementation date of our state livestock price reporting statute have on the federal livestock price reporting scheme? In response to producer concerns, the 1999 Nebraska Legislature passed the "Nebraska Competitive Livestock Markets Act," which became law immediately after the Governor's signature on May 26, 1999. Neb. Rev. Stat. §§ 54-2601 to 54-2631. Soon after, the United States Congress passed the "Livestock Mandatory Reporting Act of 1999" as Title IX of the Agriculture Appropriations Act, H.R. 1906. Both of these statutory schemes contain requirements for meat packers, including the reporting of prices paid to livestock sellers.

I. Timing of Preemption

Your first question of when the "Nebraska Competitive Livestock Markets Act" is preempted by the Federal "Livestock Mandatory Reporting Act of 1999" relates to pending legislation, namely LB 833, so our office can provide you an opinion upon the effect of changes on the "Nebraska Competitive Livestock Markets Act." The "Nebraska Competitive Livestock Markets Act" (hereinafter "the Nebraska Act") became law on May 26, 1999, as 1999 Neb. Laws LB 835. It had requirements relating to packer ownership of livestock that were operational immediately, while the price discrimination prohibition, contract term requirements and price reporting requirements were not operational until February 15, 2000. Op. Att'y Gen. No. 99028 (July 16, 1999). In November 1999, the Nebraska Department of Agriculture requested an opinion from our office on the preemptive effect of the "Livestock Mandatory Reporting Act of 1999" (hereinafter "the Federal Act") over the Nebraska Act. The Federal Act was signed into law on October 22, 1999, by President Clinton. We essentially stated that the Federal Act's broad preemptive provisions on price reporting directly preempted the Nebraska Act's price reporting requirements. Op. Att'y Gen. No. 99051 (November 30, 1999). Further, the Nebraska Act's price reporting scheme was so integrally related to its price discrimination and contracting requirements, that the price discrimination and contracting requirements were also preempted. *Id.* The prohibition on packer ownership of livestock was not preempted, as the federal law does not address ownership of livestock. *Id.* There appears to be some confusion surrounding the timing of preemption by the Federal Act over the State Act.

The United States Department of Agriculture (hereinafter "the USDA") was apparently contacted by members of the U.S. Senate to define the beginning date for preemption of the Federal Act over several state livestock price reporting acts. In response, the USDA General Counsel described the USDA's duties as beginning upon implementation of the Federal Act. The USDA further took the position that state livestock reporting requirements are not preempted until the USDA implements its own price reporting scheme. If this were true, then the Nebraska Act would require the Nebraska Department of Agriculture to begin collecting data from Nebraska meat packers on February 15, 2000, and creating reports of this data. This state reporting scheme would operate until the Federal Act is implemented by final regulations promulgated by the USDA. Implementation of the federal price reporting scheme should begin around April 20, 2000, according to the required dates for implementation under H.R. 1906, Title IX, § 941. This places the Nebraska Department of Agriculture in the unique position of having a fully operational price reporting system for approximately two months.

The beginning of preemption of the Nebraska Act by the Federal Act must be determined from the language of the Federal Act. The first step is to review Title IX of H.R. 1906 to determine its enactment and implementation dates. The preemption clause, Section 259, which mentions no specific timing for preemption, is contained in "Chapter 5 - Administration" and states:

In order to achieve the goals, purposes and objectives of this title on a nationwide basis and to avoid potentially conflicting State laws that could impede the goals, purposes and objectives of this title, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subtitle with respect to the submission or reporting of information, or the publication of such information, on the prices and quantities of livestock or livestock products.

H.R. 1906, Title IX, § 259.

While the Federal Act does state an intent to preempt, it should also state when this preemption clause is enacted. H.R. 1906 begins with the phrase "Be it enacted by the Senate and House of Representatives . . . that" H.R. 1906 Preamble. This phrase is defined to be the "enacting clause" of a statute. *Blacks Law Dictionary 526* (6th Ed. 1990). This clause signifies the fact the bill becomes law upon the President's signature. "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves it he shall sign it . . ." U.S. Const. Sec. 7, cl. 2. The U.S. Supreme Court has defined the point in time that a law is formed. "The date of the President's approval of a bill is undoubtedly the date at which it became a law." *Gardner v. Collector*, 73 U.S. 499, 6 Wall 499, 18 L. Ed. 890 (1879). Since President Clinton signed this bill, it's "enactment" occurred when the bill became a law. *Blacks Law Dictionary 526* (6th Ed. 1990). However, other than the enacting clause mentioned, H.R. 1906 does not state any other timing requirements for it's preemption clause under Title IX, § 259. The enactment clause is the beginning of the law's authority, and all sections after it, including § 259, are operational at that point. In defining "enactment," courts have stated that a statute ". . . must be interpreted to indicate a beginning point . . . (the date the President signed the bill into law) from which the Act and its amendments would be operative on events coming within their scope. . . ." *Patterson v. McLean Credit Union*, 784 F.Supp. 268, 274 (M.D. N.C. 1992). Since the enactment clause appears to be the only mention in the Federal Act making the law operational, then the lack of contrary language would confirm operation of the entire law upon enactment. "As in any case of statutory construction, our analysis begins with 'the language of the statute.' And where the statutory language provides a clear answer, it ends there as well." *Hughes Aircraft Co. v. Jacobson*, 525 U.S. 432, 119 S. Ct. 755, 760, ___ L. Ed. 2d ___ (1999) (citations omitted). The Federal Act's operational sections include § 259.

Since the Federal Act's preemption clause is operational, it must be determined at what point in time this preemption takes effect. The Federal Act's preemptive effect is dependent upon the Supremacy Clause of the U.S. Constitution. U.S. Const. art. VI, cl. 2. "Express preemption occurs when Congress, in enacting a federal statute, announces a clear intent to preempt state law." *Colorado Public Utilities Com'n v. Harmon*, 951 F.2d 1571,

1576 (10th Cir. 1991), citing *Jones v. Rath Packing Co.*, 430 U.S. 519, 97 S. Ct. 1305, 51 L. Ed. 2d 604 (1977). Congress' intent to preempt the State Act appears to begin on the enactment date for § 259 of H.R. 1906, Title IX.

The intent to preempt is clear, the § 259 preemption clause was operational upon enactment, but the date at which preemption begins must be determined. The USDA's duties do not begin until price reporting regulations are implemented, at which time ". . . the Secretary of Agriculture shall publish final regulations to implement this title and the amendments made by this title." HR 1906, Title IX., § 941(a). While the USDA's reporting duties won't begin until nearly 180 days past the enactment date, this does not mean that the federal statute does not preempt until the USDA's regulatory duties begin. The Federal Act must specifically state it is delaying preemption.

An analysis of other federal laws shows language for delayed preemption must be expressed, if the intent is to delay implementation and preemption of federal regulatory schemes. In discussing the preemption clause for the former Federal Railroad Safety Act ("FRSA"), now codified at 49 U.S.C.A. § 20106, the 10th Circuit Court of Appeals stated: ". . . we begin our analysis by agreeing with the district court that § 434 of the FRSA states an express preemption of state law. We also agree preemption does not occur until the Secretary adopts a rule, regulation, or standard covering the subject matter of the state law." *Hatfield v. Burlington Northern R.Co.*, 958 F.2d 320, 321 (10th Cir. 1992). The FRSA expressly allowed the States to continue their own laws until the Secretary of Transportation adopted regulations in that area. In particular, the former FRSA stated:

. . . The Congress declares that laws, rules, regulations, orders and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order or standard covering the subject matter of such State requirement. . .

45 U.S.C.A. § 434 (Repealed).

The former FRSA stated preemption in this area could not begin until regulations were promulgated to effectuate preemption, as other cases have confirmed. *Colorado Public Utilities Com'n v. Harmon*, 951 F.2d at 1576. In an analysis of federal statutes on mooring, movement, and safety items for floating vessels, the 9th Circuit determined that similar state safety statutes were not preempted if, and until, the Secretary of Transportation promulgated regulations in that area. *Beveridge v. Lewis*, 939 F.2d 859, 864 (9th Cir. 1991). But, the court noted, 33 U.S.C.A. § 1225(b) specifically provided that states may impose higher "safety" requirements than federal law required. *Id.* The Secretary of Transportation had discretion to regulate under 33 U.S.C.A. § 1223, allowing the agency to determine which areas would be preempted. *Id.* In comparison, the price reporting regulations

under the Federal Act are not discretionary, as ". . . the Secretary shall publish the final regulations and implement this title . . ." HR 1906, Title IX, § 941(d). This requirement, in tandem with the clear preemption of § 259, indicates Congress was not leaving preemption up to the USDA's discretion. Further, as both *Beveridge* and *Hatfield* indicate, state statutes regulating the same subject as a federal statute can avoid preemption only if the federal statute allows them to. Unlike the statutes in *Beveridge* and *Hatfield*, HR 1906, Title IX, § 259 specifically prohibits any state law which ". . . impose[s] a requirement that is in addition to, or inconsistent with, any requirement of this subtitle. . . ." Omission of any language allowing the USDA discretion on when it would regulate (and preempt), and no mention of delayed preemption in Title IX show Congress' intent was to preempt completely, not leaving the areas of preemption up to the USDA.

Since preemption is not predicated upon the USDA regulations being issued, then Congress must have specifically provided a mechanism to delay the timing for preemption. "Congress' intent, of course, primarily is discerned from the language of the preemption statute and the 'statutory framework' surrounding it." *Medtronic Inc. v. Lohr*, 518 U.S. 470, 116 S. Ct. 2240, 135 L. Ed. 2d 700, 716 (1996). The court, as an example, cites language allowing a federal administrative agency to begin regulation, and thereby preempt, in an area that is not specifically preempted by the federal statute. *Id.* at 864. The USDA's analysis implies that the state laws may continue until such time as federal regulation begins, but that is not the expressed intent of the federal statute.

The Court must assume that when Congress acts, it exercises that power and enacts supreme laws. Unless Congress itself specifically and affirmatively limits the reach of its legislation, the Court should presume that Congress is exercising its natural and supreme constitutional powers.

Gills v. Ford Motor Co., 829 F.Supp. 894, 899 (W.D. Ky. 1993). Congress would have put in language stating a delayed preemption effect if that is what it intended, just as it expressly predicated preemption upon an Agency's decision of whether to regulate or not, as described in *Beveridge* and *Hatfield*. It did not do so in HR 1906, Title IX § 259.

Preemption under the Federal Act began upon enactment of H.R. 1906. "Preemption occurs when Congress, in enacting a federal statute, expresses a clear intent to preempt state law." *Norfolk & Western Ry. Co. v. Public Utilities Com'n of Ohio*, 926 F.2d 567, 569 (6th Circuit 1991), quoting *Louisiana Public Service Com'n v. FCC*, 476 U.S. 355, 106 S. Ct. 1890, 90 L. Ed. 2d 369 (1986). For the reasons stated above, absence of any statutory language delaying preemption of H.R. 1906, Title IX, requires the Federal Act's provisions be given full effect upon enactment, including § 259.

II. Delayed Implementation of the Nebraska Act

Your second question is what would be the effect of changing the implementation date of the Nebraska Act to some point beyond the likely implementation date of the Federal Act. The Nebraska Act is scheduled to begin its price reporting requirements on February 15, 2000. Neb. Rev. Stat. §§ 54-2613 & 54-2623. This date is prior to the expected implementation date of the Federal Act, which should be in late April, 2000. We are assuming your proposal would amend the implementation date of the Nebraska Act to a date later than the proposed implementation of the Federal Act.

Assuming this later implementation date is allowed by Nebraska law, it could be at some point beyond implementation of the Federal Act, or at some point beyond the termination of the Federal Act. H.R. 1906, Title IX does not last indefinitely. In fact, it states:

The authority provided by this title and the amendments made by this title terminate 5 years after the date of the enactment of this Act.

HR 1906, Title IX, § 942.

Continuing our assumption Nebraska law would allow such a result, an implementation date of October 23, 2004, for the Nebraska Act would avoid the preemptive authority of the Federal Act. Further, it would continue the regulatory scheme requiring packers to report prices paid after the Federal Act expired. We must turn to the state law requirements on the enactment and implementation dates to verify that this type of amendment would be possible.

For Neb. Rev. Stat. §§ 54-2613 and 54-2623 to have delayed implementation dates, Nebraska law must not require a statute be fully operative upon enactment, i.e. an enacted statute may have sections with delayed operative dates. The Nebraska Constitution requires a law to be effective three months after adjournment of the Legislature, unless the proper "emergency clause" procedures are taken to enact the law immediately upon the Governor's signature. Neb. Const. art. III, § 27. There is no prohibition on a later operative date for a currently enacted statute. The Nebraska Supreme Court has approved enactment of statutes with delayed operative dates. When discussing the city council election statutes passed for "cities of the metropolitan class," the Court rejected the petitioners assertion that an act which had sections with delayed operative dates was unconstitutional, stating:

It is claimed that the act is objectionable, and repugnant to the above-mentioned section of the constitution, in that different portions of it became operative at different times; that, to fulfill the requirements of the constitution, it must have become of force as a whole at the one date. We do not think the law is open to this attack.

State v. Stult, 52 Neb. 209, 274, 71 N.W. 941, 944 (1897). The court explains that the law is constitutionally valid if it becomes operative on a fixed date, regardless of some components not being fully operational at the time it is enacted. *Id.* With these things in mind, the Legislature has enacted various laws with delayed operation, including the Nebraska Act discussed herein.

We do not foresee any legal challenge of a delayed operation date for Neb. Rev. Stat. §§ 54-2613 and 54-2623 being successful. A delay of the operation of these sections of the Nebraska Act is within the powers granted to the Legislature if the future operation of these sections is based upon a fixed date.

CONCLUSION

In summation, your first question on when the Federal Act preempts the State Act turns on when the preemption clause in H.R. 1906 § 259 became operational, and what preemptive effect that clause was intended to have by Congress. Section 259 became operational upon enactment of the statute by the President's signature in October, 1999. Once operational, the preemptive effect was complete over any additional or inconsistent state price reporting laws. Since no language exists delaying that preemptive effect, preemption of the Nebraska Act occurred at the same time the Federal Act was enacted in October, 1999. The price reporting provisions in the Nebraska Act have been preempted since October, 1999.

As to your second question, on the effect of a change in the implementation date of the State Act, the State reporting requirement could simply be made operational upon the expiration of the Federal Act. Such delayed operation of an enacted statute is permissible under Nebraska law and would clearly avoid the preemptive effect of the Federal Act.

Sincerely,
DON STENBERG
Attorney General
(Signed) William R. Barger
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature
14-103-11

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1253. Introduced by Crosby, 29; Bohlke, 33; Bruning, 3; Byars, 30; Kristensen, 37.

A BILL FOR AN ACT relating to insurance; to provide requirements for coverage of hospitalization and general anesthesia for dental care.

LEGISLATIVE BILL 1254. Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4105 and 77-4106, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 1999; to authorize a local sales and use tax for municipal counties; to authorize creation of municipal counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1255. Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4105 and 77-4106, Reissue Revised Statutes of Nebraska, and sections 77-3442 and 77-3443, Revised Statutes Supplement, 1999; to authorize a local sales and use tax for municipal counties; to authorize creation of municipal counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1256. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to insurance; to adopt the Insurance Compliance Self-Evaluative Privilege Act; to provide a duty for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 1257. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 81-401, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Workforce Investment Act; to terminate the Nebraska Job Training Act; to harmonize provisions; to provide operative dates; to repeal the original section; to outright repeal sections 48-1601 to 48-1615, Reissue Revised Statutes of Nebraska; and to declare an emergency.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1143	Friday, January 21, 2000	1:30 p.m.
LB 1083	Friday, January 21, 2000	1:30 p.m.
LB 1128	Friday, January 21, 2000	1:30 p.m.
LB 934	Friday, January 21, 2000	1:30 p.m.

(Signed)

DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1241. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jim Lawson from Gering; Lynette Ratzlaff from Lincoln and Amber Ratzlaff from North Newton, Kansas; former Senator Howard Lamb from Anselmo; and Doug Ewald and Nanette Word from Omaha.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, January 18, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 18, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 18, 2000

PRAYER

The prayer was offered by Pastor Jose Flores, Zion Lutheran Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Crosby, Matzke, and Vrtiska who were excused; and Senators Bohlke, Hartnett, Kiel, Landis, Lynch, Robak, Schimek, Schrock, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

UNANIMOUS CONSENT – Member Excused

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENT

The Education Committee designates LB 1213 as its priority bill.

**NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications**

Tuesday, January 25, 2000
Nebraska State Highway Commission
Duane Acklie
Jerome Fagerland

1:15 p.m.

John Kingsbury
Greg Wolford

LB 1075	Tuesday, January 25, 2000	1:15 p.m.
LB 997	Tuesday, January 25, 2000	1:15 p.m.
LB 1020	Tuesday, January 25, 2000	1:15 p.m.
LB 1129	Tuesday, January 25, 2000	1:15 p.m.
LB 1146	Tuesday, January 25, 2000	1:15 p.m.

(Signed) Curt Bromm, Chairperson

MESSAGE FROM THE GOVERNOR

January 13, 2000

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 a member of the Board of Public Roads Classifications and Standards:

APPOINTEE:
Larry Kisby, 2003 North D, Fremont NE 68025

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 284, 285, 288, and 290 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 284, 285, 288, and 290.

GENERAL FILE

LEGISLATIVE BILL 383. Title read. Considered.

The Standing Committee amendment, AM0428, found on page 658, First Session, 1999, was considered.

Senator Wickersham renewed his pending amendment, AM1951, found on page 175, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment lost with 8 ayes, 18 nays, 16 present and not voting, and 7 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1258. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2717, Reissue Revised Statutes of Nebraska; to change a funding limitation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1259. Introduced by Landis, 46; Beutler, 28; Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for certain agreements under the Interlocal Cooperation Act as prescribed; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 1260. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1343, 77-1346 to 77-1348, and 77-1371, Reissue Revised Statutes of Nebraska, sections 77-1344, 77-1345, 77-1381, and 77-5023, Revised Statutes Supplement, 1998, and section 79-1016, Revised Statutes Supplement, 1999; to change greenbelt valuation provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1261. Introduced by Byars, 30.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-133, 71-183.02, 71-193.04, and 71-193.16, Revised Statutes Supplement, 1999; to change provisions relating to testing and dental hygienists; to provide for applicability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1262. Introduced by Byars, 30.

A BILL FOR AN ACT relating to hazardous materials emergencies; to provide funding for regional response teams; to state findings and intent; to create a fund; and to provide powers and duties.

LEGISLATIVE BILL 1263. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to amend sections 77-27,136 and 85-1537, Reissue Revised Statutes of Nebraska, and section 77-27,137, Revised Statutes Supplement, 1998; to change provisions relating to state aid to political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 1264. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend sections 71-5003, 71-5004, 71-5006, and 71-5009, Reissue Revised Statutes of Nebraska; to change provisions relating to programs and services; to require competitive bidding; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1265. Introduced by Schrock, 38; Cudaback, 36; Janssen, 15; Kristensen, 37.

A BILL FOR AN ACT relating to the Lieutenant Governor; to amend sections 32-615, 32-619, 32-627, 32-1036, 32-1102, 32-1122, 32-1603, 32-1604, 32-1608, and 32-1611, Reissue Revised Statutes of Nebraska, and sections 32-813 and 32-1005, Revised Statutes Supplement, 1999; to provide for the candidate for Governor to select the nominee for Lieutenant Governor of the same political party; to change provisions relating to filing for office, write-in candidates, vacancies, counting and canvassing votes, election contests, recounts, and campaign finance limitations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1266. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Environmental Trust Act; to amend sections 81-15,168 and 81-15,176, Reissue Revised Statutes of Nebraska; to provide for environmental contaminant abatement assistance and limitations; and to repeal the original sections.

LEGISLATIVE BILL 1267. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to insurance; to require coverage for adopted children.

LEGISLATIVE BILL 1268. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1401.02, Reissue Revised Statutes of Nebraska, and section 60-1406, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to motor vehicle and trailer dealers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1269. Introduced by Connealy, 16; Bourne, 8; Bromm, 23; Kristensen, 37; Matzke, 47; Quandahl, 31.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Court; to amend section 48-153, Reissue Revised Statutes of Nebraska; to change provisions relating to judges of the court; and to repeal the original section.

LEGISLATIVE BILL 1270. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Reissue Revised Statutes of Nebraska; to exempt certain meals from sales tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1271. Introduced by Landis, 46.

A BILL FOR AN ACT relating to public funds; to amend section 77-2386, Reissue Revised Statutes of Nebraska, and section 77-2387, Revised Statutes Supplement, 1998; to change provisions relating to the deposit of public funds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1272. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-255, 79-257 to 79-265, 79-267 to 79-270, 79-273, 79-274, 79-282 to 79-291, and 79-2,105, Reissue Revised Statutes of Nebraska, sections 79-256 and 79-266, Revised Statutes Supplement, 1998, and sections 79-254 and 79-266.01, Revised Statutes Supplement, 1999; to rename the act; to change provisions relating to removal of students; to provide for discipline for non-school-related events as prescribed; to provide for behavioral counseling as prescribed; to provide for teacher access to student disciplinary files; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1273. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 90-404, Reissue Revised Statutes of Nebraska; to authorize acceptance of a gift of real estate; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1274. Introduced by Bohlke, 33; Hudkins, 21; Redfield, 12; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to provide for child care assistance; and to provide duties for the Department of Health and Human Services.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 884. Placed on Select File.

LEGISLATIVE BILL 885. Placed on Select File.

LEGISLATIVE BILL 886. Placed on Select File.

LEGISLATIVE BILL 887. Placed on Select File.

LEGISLATIVE BILL 888. Placed on Select File.

LEGISLATIVE BILL 889. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File.

LEGISLATIVE BILL 891. Placed on Select File.

LEGISLATIVE BILL 892. Placed on Select File.

LEGISLATIVE BILL 893. Placed on Select File as amended.

E & R amendment to LB 893:

AM7159

- 1 1. On page 2, line 18, insert an underscored comma after
- 2 "as" and "to"; and in line 26 strike the first comma and show as
- 3 stricken.

LEGISLATIVE BILL 894. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT

Natural Resources

LEGISLATIVE BILL 335. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 1119	Tuesday, January 25, 2000	1:30 p.m.
LB 1125	Tuesday, January 25, 2000	1:30 p.m.
LB 1127	Tuesday, January 25, 2000	1:30 p.m.
LB 1148	Tuesday, January 25, 2000	1:30 p.m.

(Signed) David M. Landis, Chairperson

Urban Affairs

LB 1182	Tuesday, January 25, 2000	1:30 p.m.
LB 1103	Tuesday, January 25, 2000	1:30 p.m.
LB 1116	Tuesday, January 25, 2000	1:30 p.m.
LB 1131	Tuesday, January 25, 2000	1:30 p.m.
LB 1159	Tuesday, January 25, 2000	1:30 p.m.
LB 1198	Tuesday, January 25, 2000	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Education

LB 896	Tuesday, January 25, 2000	1:30 p.m.
LB 1160	Tuesday, January 25, 2000	1:30 p.m.
LB 1162	Tuesday, January 25, 2000	1:30 p.m.
LB 1161	Tuesday, January 25, 2000	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 295. Introduced by Wickersham, 49.

WHEREAS, Kenneth L. Hollrah and Shirley P. Hollrah have conveyed to the Nebraska Game and Parks Foundation property located in Dawes County, Nebraska, which will be maintained as an addition to Chadron State Park 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 Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows:

A tract of land located in the southwest 1/4 of the northwest 1/4 of section 31, township 32 north, range 48 west of the 6th principal meridian, Dawes County, Nebraska, more particularly described as follows: Commencing at

the southwest corner of said northwest quarter; thence north 0 degrees, 13 minutes east, 772.97 feet on the west line of said section 31 to the point of beginning; thence north 0 degrees, 13 minutes east, 390.18 feet on the west line of said section 31 to point A; thence north 86 degrees, 52 minutes east, 247.6 feet to point B; thence south 25 degrees, 20 minutes east, 186.6 feet on the west right-of-way line of State Highway 385, to point C; thence south 7 degrees, 20 minutes west, 213.1 feet to point D; thence south 85 degrees, 20 minutes, 35 seconds west, 302.35 feet to the point of beginning.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Chadron State Park.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 295 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 383. Senator Brashear withdrew his amendments, AM2023, AM2025, and AM2024, found on page 242.

The Standing Committee amendment lost with 7 ayes, 18 nays, 17 present and not voting, and 7 excused and not voting.

Senator Bohlke moved to indefinitely postpone LB 383.

Laid over.

LEGISLATIVE BILL 750. Title read. Considered.

The Standing Committee amendment, AM0424, found on page 677, First Session, 1999, was considered.

Senator Thompson withdrew her amendment, AM0509, found on page 764, First Session, 1999.

Senator Thompson renewed her pending amendment, AM2012, found on page 263, to the Standing Committee amendment.

The Thompson 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 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SENATOR CUDABACK PRESIDING

Senators Janssen, D. Pederson, Robak, and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Thompson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Beutler	Bohlke	Brown	Chambers
Connealy	Dickey	Dierks	Hartnett	Jensen
Jones	Kiel	Kremer	Landis	Preister
Price	Raikes	Redfield	Schimek	Schrock
Suttle	Thompson	Wehrbein		

Voting in the negative, 19:

Baker	Bourne	Bromm	Bruning	Byars
Coordsen	Cudaback	Engel	Hilgert	Hudkins
Janssen	Kristensen	Pedersen, Dw.	Quandahl	Schmitt
Smith	Stuhr	Tyson	Wickersham	

Present and not voting, 1:

Brashear

Excused and not voting, 6:

Crosby	Lynch	Matzke	Pederson, D.	Robak
Vrtiska				

Failed to advance to E & R for review with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS **Agriculture**

LB 957	Tuesday, January 25, 2000	1:30 p.m.
LB 961	Tuesday, January 25, 2000	1:30 p.m.
LB 964	Tuesday, January 25, 2000	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

General Affairs

LB 912	Monday, January 31, 2000	1:30 p.m.
LB 976	Monday, January 31, 2000	1:30 p.m.
LB 982	Monday, January 31, 2000	1:30 p.m.
LB 1086	Monday, January 31, 2000	1:30 p.m.

LB 1094	Monday, January 31, 2000	1:30 p.m.
LB 1150	Monday, January 31, 2000	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Health and Human Services

Wednesday, January 26, 2000	1:30 p.m.
Community Services Block Grant	

LB 965	Wednesday, January 26, 2000	1:30 p.m.
LB 1022	Wednesday, January 26, 2000	1:30 p.m.
LB 1051	Wednesday, January 26, 2000	1:30 p.m.
LB 1113	Wednesday, January 26, 2000	1:30 p.m.

LB 950	Thursday, January 27, 2000	1:30 p.m.
LB 963	Thursday, January 27, 2000 (reschedule)	1:30 p.m.
LB 1023	Thursday, January 27, 2000 (reschedule)	1:30 p.m.
LB 1115	Thursday, January 27, 2000	1:30 p.m.

LB 981	Friday, January 28, 2000	1:30 p.m.
LB 1028	Friday, January 28, 2000	1:30 p.m.

(Signed) Jim Jensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Wehrbein, 2.

WHEREAS, the United States Government has conveyed to the Game and Parks Commission property located in Otoe County, Nebraska, which will be maintained as an addition to Arbor Lodge State Historical Park 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 United States Government.

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

1. That the Legislature approves the gift from the United States Government to the Game and Parks Commission of all of the real estate described as a tract of land situated in the southwest quarter of section 8, township 8 north, range 14 east of the 6th principal meridian, Otoe County, Nebraska, more particularly described as follows: Commencing at the northeast corner of said southwest 1/4 section 8; thence west 990.00 feet; thence south to a point that intersects the north right-of-way line of State Highway No. 2, said intersection being the point of beginning; thence

easterly along said north right-of-way line of State Highway No. 2, for a distance of 200 feet; thence north 400 feet; thence west 200 feet; thence south to the point of beginning, all located in Otoe County, Nebraska, containing 1.84 acres, more or less, or 80,000 square feet.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Arbor Lodge State Historical Park.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 296 was referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 659A. 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 659, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORT **Nebraska Retirement Systems**

LEGISLATIVE BILL 155. Placed on General File as amended.
Standing Committee amendment to LB 155:
AM1955

- 1 1. Strike original section 1 and insert the following
- 2 new sections:
- 3 "Section 1. Section 79-978, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 79-978. For purposes of the Class V School Employees
- 6 Retirement Act, unless the context otherwise requires:
- 7 (1) Retirement system or system means the School
- 8 Employees' Retirement System of (corporate name of the school
- 9 district as described in section 79-405) as provided for by the
- 10 act;
- 11 (2) Board means the board of education of the school
- 12 district;
- 13 (3) Trustee means a trustee provided for in section
- 14 79-980;
- 15 (4) Employee means the following enumerated persons
- 16 receiving compensation from the school district: (a) Regular
- 17 teachers and administrators employed on a written contract basis;
- 18 and (b) regular employees, not included in subdivision (4)(a) of

19 this section, hired upon a full-time basis, which basis shall
20 contemplate a workweek of not less than thirty hours;

21 (5) Member means any employee included in the membership
22 of the retirement system or any former employee who has made
23 contributions to the system and has not received a refund;

24 (6) Annuitant means any member receiving an allowance;

1 (7) Beneficiary means any person entitled to receive or
2 receiving a benefit by reason of the death of a member;

3 (8) Membership service means service on or after

4 September 1, 1951, as an employee of the school district and a
5 member of the system for which compensation is paid by the school
6 district;

7 (9) Prior service means service rendered prior to
8 September 1, 1951, for which credit is allowed under section
9 79-999, service rendered by retired employees receiving benefits
10 under preexisting systems, and service for which credit is allowed
11 under sections 79-990, 79-991, 79-994, 79-995, and 79-997;

12 (10) Creditable service means the sum of the membership
13 service and the prior service;

14 (11) Compensation means salary or wages payable by the
15 school district before reduction for contributions picked up under
16 section 414(h) of the Internal Revenue Code or elective
17 contributions made pursuant to sections 125 or 403(b) of the code,
18 subject to the applicable limitations of section 401(a)(17) of the
19 code;

20 (12) Military service means service in the uniformed
21 services as defined in 38 U.S.C. chapter 43, as such provision
22 existed on March 27, 1997;

23 (13) Accumulated contributions means the sum of amounts
24 contributed by a member of the system together with regular
25 interest credited thereon;

26 (14) Regular interest means interest (a) on the total
27 contributions of the member prior to the close of the last
1 preceding fiscal year, (b) compounded annually, and (c) at rates to
2 be determined annually by the board, which shall have the sole,
3 absolute, and final discretionary authority to make such
4 determination, except that the rate for any given year in no event
5 shall exceed the actual percentage of net earnings of the system
6 during the last preceding fiscal year;

7 (15) Retirement date means the date of retirement of a
8 member for service or disability as fixed by the board;

9 (16) Normal retirement date means the end of the month
10 during which the member attains age sixty-five and has completed at
11 least five years of membership service;

12 (17) Early retirement date means that month and year
13 selected by a member having at least ten years of creditable
14 service which includes a minimum of five years of membership
15 service and who has attained age fifty-five;

16 (18) Retirement allowance means the total annual

- 17 retirement benefit payable to a member for service or disability;
18 (19) Annuity means annual payments, for both prior
19 service and membership service, for life as provided in the act;
20 (20) Actuarial tables means:
21 (a) For determining the actuarial equivalent of any
22 annuities other than joint and survivorship annuities, a unisex
23 mortality table using ~~thirty~~ twenty-five percent of the male
24 mortality and ~~seventy~~ seventy-five percent of the female mortality
25 from the ~~1951~~ 1994 Group Annuity Mortality Table with a One Year
26 Setback and using an interest rate of ~~five and seventy-five~~
27 ~~hundredths~~ eight percent compounded annually; and
28 (b) For joint and survivorship annuities, a unisex
29 retiree mortality table using sixty-five percent of the male
30 mortality and thirty-five percent of the female mortality from the
31 ~~1951~~ 1994 Group Annuity Mortality Table with a One Year Setback and
32 using an interest rate of ~~five and seventy-five~~ eight
33 ~~hundredths~~ percent compounded annually and a unisex joint annuitant mortality
34 table using thirty-five percent of the male mortality and
35 sixty-five percent of the female mortality from the ~~1951~~ 1994 Group
36 Annuity Mortality Table with a One Year Setback and using an
37 interest rate of ~~five and seventy-five~~ eight percent
38 compounded annually;
39 (21) Actuarial equivalent means the equality in value of
40 the retirement allowance for early retirement or the retirement
41 allowance for an optional form of annuity, or both, with the normal
42 form of the annuity to be paid, as determined by the application of
43 the appropriate actuarial table, except that use of such actuarial
44 tables shall not effect a reduction in benefits accrued prior to
45 September 1, 1985, as determined by the actuarial tables in use
46 prior to such date;
47 (22) Fiscal year means the period beginning September 1
48 in any year and ending on August 31 of the next succeeding year;
49 (23) Primary beneficiary means the person or persons
50 entitled to receive or receiving a benefit by reason of the death
51 of a member; and
52 (24) Secondary beneficiary means the person or persons
53 entitled to receive or receiving a benefit by reason of the death
54 of all primary beneficiaries prior to the death of the member. If
55 no primary beneficiary survives the member, secondary beneficiaries
56 shall be treated in the same manner as primary beneficiaries.
57 Sec. 2. Section 79-9,100, Revised Statutes Supplement,
58 1998, is amended to read:
59 79-9,100. In lieu of the retirement annuity provided by
60 section 79-999 or 79-9,113, any member who becomes eligible to
61 receive a retirement annuity after February 20, 1982, under the
62 Class V School Employees Retirement Act shall receive a formula
63 retirement annuity based on final average compensation, except that
64 if the monthly formula retirement annuity based on final average
65 compensation is less than the monthly retirement annuity specified

12 in section 79-999 or 79-9,113, accrued to the date of retirement or
13 August 31, 1983, whichever first occurs, the member shall receive
14 the monthly retirement annuity specified in section 79-999 or
15 79-9,113 accrued to the date of retirement or August 31, 1983,
16 whichever first occurs.

17 The monthly formula retirement annuity based on final
18 average compensation shall be determined by multiplying the number
19 of years of creditable service for which such member would
20 otherwise receive the retirement annuity provided by section 79-999
21 or 79-9,113 by one and one-half percent of his or her final average
22 compensation. For retirements after June 15, 1989, and before
23 April 18, 1992, the applicable percentage shall be one and
24 sixty-five hundredths percent of his or her final average
25 compensation. For retirements on or after April 18, 1992, and
26 before June 7, 1995, the applicable percentage shall be one and
27 seventy-hundredths percent of his or her final average

1 compensation. For retirements on or after June 7, 1995, and before
2 March 4, 1998, the applicable percentage shall be one and
3 eighty-hundredths percent of his or her final average compensation.
4 For retirements on or after March 4, 1998, and before the effective
5 date of this act, the applicable percentage shall be one and
6 eighty-five hundredths percent of his or her final average
7 compensation. For retirements on or after the effective date of
8 this act, the applicable percentage shall be two percent of his or
9 her final average compensation.

10 Final average compensation shall be determined by
11 dividing the member's total compensation for the three fiscal years
12 in which such compensation was the highest by thirty-six.

13 For retirements before June 7, 1995, if the annuity
14 begins prior to the sixty-second birthday of the member and the
15 member has not completed thirty-five or more years of creditable
16 service, the annuity at the date it begins shall be the actuarial
17 equivalent of the annuity deferred to the sixty-second birthday of
18 the member. If the annuity begins prior to the sixty-second
19 birthday of the member and the member has completed thirty-five or
20 more years of creditable service, the annuity shall not be reduced.
21 For retirements on or after June 7, 1995, any retirement annuity
22 which begins prior to the sixty-second birthday of the member shall
23 be reduced by twenty-five hundredths percent for each month or
24 partial month between the date the annuity begins and the member's
25 sixty-second birthday. If the annuity begins at a time when:

26 (1) The sum of the member's attained age and creditable
27 service is eighty-five or more, the annuity shall not be reduced;

1 (2) The sum of the member's attained age and creditable
2 service totals eighty-four, the annuity shall not be reduced by an
3 amount greater than three percent of the unreduced annuity;

4 (3) The sum of the member's attained age and creditable
5 service totals eighty-three, the annuity shall not be reduced by an
6 amount greater than six percent of the unreduced annuity; and

- 7 (4) The sum of the member's attained age and creditable
 8 service totals eighty-two, the annuity shall not be reduced by an
 9 amount greater than nine percent of the unreduced annuity.
 10 For purposes of this section, a member's creditable
 11 service and attained age shall be measured in one-half-year
 12 increments.
 13 The normal form of the formula retirement annuity based
 14 on final average compensation shall be an annuity payable monthly
 15 during the remainder of the member's life with the provision that
 16 in the event of his or her death before sixty monthly payments have
 17 been made the monthly payments will be continued to his or her
 18 estate or to the beneficiary he or she has designated until a total
 19 of sixty monthly payments have been made. A member may elect to
 20 receive, in lieu of the normal form of annuity, an actuarially
 21 equivalent annuity in any optional form provided by section
 22 79-9,101.
 23 Any member receiving a formula retirement annuity based
 24 on final average compensation shall also receive the service
 25 annuity to be paid by the State of Nebraska as provided in sections
 26 79-933 to 79-935 and 79-951.
 27 Sec. 7. Since an emergency exists, this act takes effect
 1 when passed and approved according to law."
 2 2. On page 8, line 16, after "during" insert "each" and
 3 strike "years" and insert "year"; and in line 17 after "member's"
 4 insert "required".
 5 3. On page 9, line 15, strike "when" and insert
 6 "before".
 7 4. Renumber the remaining sections and correct internal
 8 references accordingly.

(Signed) Elaine R. Stuhr, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1275. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to evidence; to define terms; and to provide for a privileged communication.

LEGISLATIVE BILL 1276. Introduced by Redfield, 12; Bohlke, 33; Coordsen, 32; Quandahl, 31; Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.02 and 77-202.04, Reissue Revised Statutes of Nebraska, and sections 77-202.01 and 77-202.03, Revised Statutes Supplement, 1999; to change provisions relating to the granting of property tax exemptions; to

harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1277. Introduced by Engel, 17; Baker, 44; Brown, 6; Bruning, 3; Matzke, 47; D. Pederson, 42; Quandahl, 31; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to local authorities; to amend sections 18-1729 and 60-680, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1999; to authorize any local authority to pass traffic regulation ordinances as prescribed; to provide penalties; to provide collection procedures for fines; and to repeal the original sections.

LEGISLATIVE BILL 1278. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to schools; to provide for payments as prescribed.

LEGISLATIVE BILL 1279. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to budgets; to amend sections 13-502 and 84-304, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, and 13-504, Revised Statutes Supplement, 1999; to change provisions of the Nebraska Budget Act; to change and eliminate provisions relating to applicability of the act; to change budget and examination provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 13-515, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1280. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend sections 54-701, 54-701.02, 54-704, and 54-746, Reissue Revised Statutes of Nebraska, and sections 54-701.03 and 54-744, Revised Statutes Supplement, 1999; to change provisions relating to livestock health and disease; to define terms; to create an advisory committee; to provide for surveillance of diseases; to provide for voluntary livestock certification programs; and to repeal the original sections.

LEGISLATIVE BILL 1281. Introduced by Schimek, 27; Coordsen, 32.

A BILL FOR AN ACT relating to election procedures; to amend section 32-903, Reissue Revised Statutes of Nebraska; to change provisions relating to precincts; and to repeal the original section.

LEGISLATIVE BILL 1282. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to habitual criminals; to amend sections 29-2221, 60-4,108, and 60-4,109, Reissue Revised Statutes of Nebraska; to provide for enhanced penalties for subsequent violations as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1283. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-4,137, 60-4,139, and 60-4,142, Reissue Revised Statutes of Nebraska; to change provisions relating to commercial motor vehicle operators; and to repeal the original sections.

LEGISLATIVE BILL 1284. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to railroads; to regulate the payment of claims against a railroad.

LEGISLATIVE BILL 1285. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Byars, 30; Hudkins, 21; Dw. Pedersen, 39; Thompson, 14; and Landis, 46.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-156, 86-1111, 86-1222, and 86-1909, Reissue Revised Statutes of Nebraska; to provide for an administrative fine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1286. Introduced by Kremer, 34; Baker, 44; Dickey, 18; Hudkins, 21; Jones, 43; Stuhr, 24; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nongame and Endangered Species Conservation Act; to amend sections 37-801 and 37-807, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 1999; to provide for safe harbor agreements to permit certain actions; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1287. Introduced by Thompson, 14; Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-301, 60-471, 60-501, 60-678, 60-6,349, 60-6,350, 60-6,351, and 60-3007, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-601, and 60-3004, Revised Statutes Supplement, 1999; to authorize and regulate low-speed vehicles as prescribed; to define a term; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1288. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1447, 49-1453, 49-1463.01, 49-1466, and 49-14,123, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1999; to change provisions relating to committee treasurers and dissolution of committees; to provide bonding requirements; to provide for the accrual of interest on late filing fees and civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1289. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to probation; to create a fund; and to declare an emergency.

LEGISLATIVE BILL 1290. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-5,108, Reissue Revised Statutes of Nebraska; to change provisions relating to attendance at out-of-state schools; and to repeal the original section.

LEGISLATIVE BILL 1291. Introduced by Quandahl, 31; Baker, 44; Dickey, 18; Dierks, 40; Engel, 17; Hilgert, 7; Kremer, 34; Dw. Pedersen, 39; Redfield, 12; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to abortion; to amend section 71-6906, Reissue Revised Statutes of Nebraska, sections 28-325 to 28-327.01, 28-327.03, and 28-340, Revised Statutes Supplement, 1998, and section 28-101, Revised Statutes Supplement, 1999; to change provisions relating to voluntary and informed consent, printed materials, notification, and civil liability; to provide for prosecution for fraudulent impersonation as prescribed; to eliminate provisions requiring school districts to provide written information; to harmonize provisions; to provide severability, to repeal the original sections; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1292. Introduced by Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to local government; to authorize creation of municipal counties.

COMMUNICATION

Pursuant to LB 637, 1999, the Policy Secretary informs the Legislature that HHS is proposing designating the Nebraska State Treasure's Office as the vendor to operate the State Disbursement Unit. Confirmation of this proposal is requested at the Legislature's earliest convenience in order to ensure Nebraska's compliance with federal timelines for implementing our State's SDU.

VISITORS

Visitors to the Chamber were Erika Flores from Omaha; and Janelle Schultz, Pat Kraemer, Mario Max, Nancy Galindo, and Russell Trout from Scottsbluff, and Esther Sanchez from Gering.

The Doctor of the Day was Dr. Weiss from Lincoln.

ADJOURNMENT

At 12:13 p.m., on a motion by Senator Suttle, the Legislature adjourned until 9:00 a.m., Wednesday, January 19, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 19, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 19, 2000

PRAYER

The prayer was offered by Senator Quandahl.

ROLL CALL

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

The roll was called and all members were present except Senators Crosby and Vrtiska who were excused; and Senators Aguilar, Bohlke, Brashear, Byars, Dierks, Hartnett, Kiel, Lynch, Price, Redfield, Robak, Schrock, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 94, line 2, strike "Stinette" and insert "Stinnette".
The Journal for the first day was approved as corrected.

Page 129, line 36, after "Reissue" delete "1".
Page 130, line 31, after "Statutes of" delete "1".
Page 135, line 31, after "require a" delete "1".
The Journal for the first day was approved as corrected.

Page 185, after line 26, insert "(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board"

Page 192, line 12, after "practitioners," delete "1".
Page 193, line 10, after "Statutes" delete "1".
Page 196, line 29, after "71-7107," delete "1".
The Journal for the fourth day was approved as corrected.

Page 274, line 3, change "Transportation" to "Transportation and
Telecommunications".
The Journal for the seventh day was approved as corrected.

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolution, and appointments:

LB/LR	Committee
LB 1178	Banking, Commerce and Insurance (rereferred)
LB 1165	Judiciary
LB 1166	Judiciary
LB 1205	Judiciary
LB 1206	Government, Military and Veterans Affairs
LB 1207	Banking, Commerce and Insurance
LB 1208	Banking, Commerce and Insurance
LB 1209	Banking, Commerce and Insurance
LB 1210	Health and Human Services
LB 1211	Health and Human Services
LB 1212	Health and Human Services
LB 1213	Education
LB 1214	Appropriations
LB 1215	Appropriations
LB 1216	Appropriations
LB 1217	Appropriations
LB 1218	Transportation and Telecommunications
LB 1219	Appropriations
LB 1220	Natural Resources
LB 1221	Business and Labor
LB 1222	Agriculture
LB 1223	Revenue
LB 1224	Appropriations
LB 1225	Health and Human Services
LB 1226	Education
LB 1227	Education
LB 1228	Education
LB 1229	Judiciary
LB 1230	Revenue
LB 1231	Health and Human Services
LB 1232	Appropriations
LB 1233	Appropriations
LB 1234	Natural Resources
LB 1235	Urban Affairs
LB 1236	Education
LB 1237	Judiciary
LB 1238	Urban Affairs
LB 1239	Transportation and Telecommunications
LB 1240	Transportation and Telecommunications
LB 1241	General Affairs
LB 1242	Appropriations
LB 1243	Education
LB 1244	Natural Resources

LB 1245 Education
 LB 1246 Education
 LB 1247 Appropriations
 LB 1248 Banking, Commerce and Insurance
 LB 1249 Transportation and Telecommunications
 LB 1250 Banking, Commerce and Insurance
 LB 1251 Revenue
 LB 1252 Government, Military and Veterans Affairs
 LB 1253 Banking, Commerce and Insurance
 LB 1254 Revenue
 LB 1255 Revenue
 LB 1256 Banking, Commerce and Insurance
 LB 1257 Business and Labor

LR 294CA Government, Military and Veterans Affairs

Kisby, Larry - Board of Public Roads Classifications and Standards -
 Transportation and Telecommunications

Peterson, Chris - Health and Human Services, Policy Secretary - Health and
 Human Services

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

ANNOUNCEMENT

Senator Coordsen designates LB 1124 as his priority bill.

NOTICE OF COMMITTEE HEARING Nebraska Retirement Systems

LB 1192 Wednesday, January 26, 2000 12:00 p.m.

(Signed) Elaine R. Stuhr, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Read. Considered.

Advanced to E & R for review with 31 ayes, 1 nay, 8 present and not voting,
 and 9 excused and not voting.

LEGISLATIVE BILL 534. Title read. Considered.

The Standing Committee amendment, AM0442, found on page 696, First
 Session, 1999, was adopted with 27 ayes, 0 nays, 13 present and not voting,

and 9 excused and not voting.

Senator Kristensen renewed his pending amendment, AM0535, found on page 250.

The Kristensen amendment was adopted with 31 ayes, 0 nays, 11 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.

STANDING COMMITTEE REPORTS **Health and Human Services**

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendment to LB 220:
AM2013

1 1. On page 2, line 17, after "structures" insert "
2 except that no podiatrist shall perform surgery on the ankle other
3 than in a licensed hospital or accredited ambulatory surgical
4 center and a podiatrist performing surgery on the ankle in a
5 licensed hospital or accredited ambulatory surgical center shall
6 have successfully completed an advanced postdoctoral surgical
7 residency program of at least one year's duration which is
8 recognized as suitable for that purpose by the Board of Podiatry".

LEGISLATIVE BILL 209. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1293. Introduced by Connealy, 16; Bourne, 8; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-520 and 77-3442, Revised Statutes Supplement, 1999; to provide an exception to budget and levy limits for education service units as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1294. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2404.15, Revised Statutes Supplement, 1999; to provide a sales tax exemption for certain drainage districts; and to repeal the original section.

LEGISLATIVE BILL 1295. Introduced by Transportation and

Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09, 60-305.17, 60-561, 75-128, 75-156, 75-301, 75-304 to 75-307.03, 75-309, 75-311, 75-352, 75-366, 75-369.02, 75-369.03, 75-370, 75-371, 75-386, 75-388, and 75-390, Reissue Revised Statutes of Nebraska, section 66-1406.02, Revised Statutes Supplement, 1998, and sections 48-604, 75-302, and 75-303, Revised Statutes Supplement, 1999; to change provisions relating to registration of fleet vehicles; to transfer powers of the Public Service Commission to the Division of Motor Carrier Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1296. Introduced by Kristensen, 37; Bourne, 8.

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, 73-1718.02, 43-1723, 43-1727, 43-1729, and 43-1741, Reissue Revised Statutes of Nebraska, and sections 43-3341, 43-3342, 43-3344, 43-3346, and 43-3347, Revised Statutes Supplement, 1999; to implement support payments through the State Disbursement Unit; to create a commission and a unit; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 43-3344, Revised Statutes Supplement, 1999; and to declare an emergency.

LEGISLATIVE BILL 1297. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend sections 70-1002, 70-1005, 70-1010, 70-1011, and 70-1013, Reissue Revised Statutes of Nebraska; to authorize hearings at the request of interested parties; to require notification of certain hearings and decisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1298. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to the Commission for the Deaf and Hard of Hearing; to amend section 71-4720.01, Revised Statutes Supplement, 1998; to eliminate a duty; to harmonize provisions; to repeal the original section; and to outright repeal section 71-4733, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 1299. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to physical therapy practice credentials; to amend sections 71-2801, 71-2802, 71-2803.01, 71-2815, and 71-2819, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-2804, and

71-2807, Revised Statutes Supplement, 1999; to provide for continuing education; to change provisions relating to certificate fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1300. Introduced by Lynch, 13; Schrock, 38.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1999; to change eligibility provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1301. Introduced by Hartnett, 45; Redfield, 12.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to change provisions relating to road repair and maintenance; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 1302. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 9-321.01, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 1998; to exempt pickle cards from sales taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1303. Introduced by Hartnett, 45; Bruning, 3; Thompson, 14.

A BILL FOR AN ACT relating to counties; to amend sections 81-1254 and 81-1255, Reissue Revised Statutes of Nebraska; to change provisions relating to use of a hotel occupancy tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1304. Introduced by Janssen, 15; Hartnett, 45.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change provisions relating to examinations of fire protection districts; and to repeal the original section.

LEGISLATIVE BILL 1305. Introduced by Janssen, 15; Baker, 44; Bromm, 23; Connealy, 16; Coordsen, 32; Jones, 43.

A BILL FOR AN ACT relating to community colleges; to amend sections 13-502, 13-1612, 81-1113, 81-1118.02, 81-1201.21, 84-612, 85-121.03, 85-1416, 85-1418, 85-1501, 85-1503, 85-1511, 85-1515, 85-1517, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, section 77-3445, Revised Statutes Supplement, 1998, and sections 13-518, 48-621, and 77-3442, Revised Statutes Supplement, 1999; to change and

eliminate provisions relating to levy authority and state aid; to provide for state funding of community colleges; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-1516 and 85-1536 to 85-1540, Reissue Revised Statutes of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 523. Title read. Considered.

Senator Suttle withdrew her amendment, AM0559, found on page 761, First Session, 1999.

Senator Suttle renewed her pending amendment, AM1998, found on page 243.

The Suttle amendment 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 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 410. Title read. Considered.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0366, found on page 756, First Session, 1999, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1306. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-309, Reissue Revised Statutes of Nebraska; to change provisions relating to vacancies in the office of city administrator; and to repeal the original section.

LEGISLATIVE BILL 1307. Introduced by Thompson, 14; Raikes, 25.

A BILL FOR AN ACT relating to early childhood program training; to amend section 43-2607, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 1998; to provide funding; to authorize an income tax checkoff; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1308. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to initiative and referendum petitions; to amend sections 32-629, 32-630, and 32-1401 to 32-1404, Reissue Revised Statutes of Nebraska, and section 32-628, Revised Statutes Supplement, 1999; to change provisions relating to petition circulators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1309. Introduced by Hilgert, 7; Connealy, 16; Preister, 5.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-165, 48-172, and 48-1,110, Reissue Revised Statutes of Nebraska, and section 48-121, Revised Statutes Supplement, 1999; to provide employer and compensation court duties; to change compensation provisions; to provide for certain costs; and to repeal the original sections.

LEGISLATIVE BILL 1310. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor relations; to amend sections 48-824 and 81-1386, Reissue Revised Statutes of Nebraska; to change procedures relating to unfair labor practices; and to repeal the original sections.

LEGISLATIVE BILL 1311. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to employment security; to amend section 48-604, Revised Statutes Supplement, 1999; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1312. Introduced by Cudaback, 36; Brown, 6.

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, 48-418.11, and 48-418.14, Reissue Revised Statutes of Nebraska; to name an act; to provide for exemptions from the act; to create a board; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1313. Introduced by Smith, 48; Bruning, 3; Hilgert, 7; Kiel, 9; Preister, 5; Quandahl, 31.

A BILL FOR AN ACT relating to the National Register of Historic Places; to adopt the Municipal and Historical Redevelopment Act of 2000.

LEGISLATIVE BILL 1314. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Roads.

LEGISLATIVE BILL 1315. Introduced by Hartnett, 45; Tyson, 19.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-246, Reissue Revised Statutes of Nebraska; to change provisions relating to jurisdiction; to eliminate obsolete language; and to repeal the original section.

LEGISLATIVE BILL 1316. Introduced by Stuhr, 24; D. Pederson, 42; Schrock, 38.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1330, Reissue Revised Statutes of Nebraska; to provide a tax refund for sales of ethanol-blended motor fuel; to impose a tax on ethanol production; to create a fund; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1317. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308 and 60-483, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1999; to eliminate the Uniform Motor Vehicle Records Disclosure Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-2901 to 60-2913, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1318. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-101.03, 45-102, and 45-104, Reissue Revised Statutes of Nebraska; to change provisions relating to interest and debt; and to repeal the original sections.

LEGISLATIVE BILL 1319. Introduced by Hartnett, 45; Thompson, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-208 and 32-211, Reissue Revised Statutes of Nebraska; to change residency requirements for election commissioners and chief deputy election commissioners as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1320. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to highway funds; to amend sections 39-2120, 39-2121, 39-2215, 39-2501, 39-2508, 39-2509, 39-2519,

66-4,101, and 66-4,148, Reissue Revised Statutes of Nebraska; to provide for distributions to sanitary and improvement districts; and to repeal the original sections.

LEGISLATIVE BILL 1321. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to child welfare services; to amend section 68-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to caseloads; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

The Standing Committee amendment, AM0449, found on page 759, First Session, 1999, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Thompson offered the following amendment:

AM1952

1 1. On page 3, line 15, after "shall" insert "issue a
2 report by November 30, 2000 and"; in line 17 strike "December 1,
3 1999" and insert "June 30, 2001"; strike line 18 and insert "The
4 College of Public Affairs and Community Service of the University
5 of"; and in lines 27 and 28 strike "December 31, 1999" and insert
6 "June 30, 2001".

7 2. In the Standing Committee amendments, AM0449, on page
8 1, line 6, after the comma insert "a representative from the State
9 Troopers' Association of Nebraska,".

The Thompson 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 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 153A. 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 288. Title read. Considered.

The Standing Committee amendment, AM0169, found on page 760, First Session, 1999, was adopted with 27 ayes, 0 nays, 17 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.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 929. Placed on General File.

LEGISLATIVE BILL 931. Placed on General File.

LEGISLATIVE BILL 930. Placed on General File as amended.

Standing Committee amendment to LB 930:

AM2054

- 1 1. Strike original section 10.
- 2 2. On page 21, line 28, after the third comma insert
- 3 "and" and strike "and 48-146.01,".
- 4 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 932. Placed on General File as amended.

Standing Committee amendment to LB 932:

AM2027

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 8-148.07, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 8-148.07. A bank subsidiary corporation shall engage in
- 5 only those activities prescribed under subdivision (1) of section
- 6 8-101 or that its bank shareholder is authorized to perform under
- 7 the laws of this state and shall engage in those activities only at
- 8 locations in this state where the bank shareholder could be
- 9 authorized to perform activities."
- 10 2. On page 3, line 7, after "shall" insert "directly, or
- 11 indirectly through a subsidiary or subsidiaries,"; and in line 10
- 12 after "Nebraska" insert ", including the exercise of all powers and
- 13 activities that are permitted for a financial subsidiary of a
- 14 federally chartered bank".
- 15 3. On page 45, line 13; and page 47, line 25, strike
- 16 "21" and insert "22".
- 17 4. On page 64, line 3, after "sections" insert
- 18 "8-148.07,".
- 19 5. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 980	Wednesday, January 26, 2000	1:30 p.m.
LB 1053	Wednesday, January 26, 2000	1:30 p.m.
LB 1184	Wednesday, January 26, 2000	1:30 p.m.
LB 992	Thursday, January 27, 2000	1:30 p.m.
LB 1152	Thursday, January 27, 2000	1:30 p.m.

LB 1069	Friday, January 28, 2000	1:30 p.m.
LB 1220	Friday, January 28, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Judiciary

LB 907	Wednesday, January 26, 2000	1:30 p.m.
LB 1201	Wednesday, January 26, 2000	1:30 p.m.
LB 1202	Wednesday, January 26, 2000	1:30 p.m.
LB 1203	Wednesday, January 26, 2000	1:30 p.m.
LB 1237	Wednesday, January 26, 2000	1:30 p.m.
LB 908	Thursday, January 27, 2000	1:30 p.m.
LB 938	Thursday, January 27, 2000	1:30 p.m.
LB 998	Thursday, January 27, 2000	1:30 p.m.
LB 1081	Thursday, January 27, 2000	1:30 p.m.
LB 927	Friday, January 28, 2000	1:30 p.m.
LB 1110	Friday, January 28, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 480. Placed on Select File as amended.

E & R amendment to LB 480:

AM7162

- 1 1. In the Schimek amendment, AM1749:
- 2 a. On page 2, line 7, after "including" insert a comma;
- 3 b. On page 3, line 16, strike "a one-year term" and
- 4 insert "one-year terms"; in line 19 strike "a three-year term" and
- 5 insert "three-year terms"; and in lines 23 and 24 before "council"
- 6 insert "advisory";
- 7 c. On page 4, line 2, after "the" insert "advisory"; in
- 8 line 17 strike the second "and"; and in line 18 after "Services"
- 9 insert a comma; and
- 10 d. On page 6, line 5, strike "initiative" and insert
- 11 "Women's Health Initiative of Nebraska".
- 12 2. On page 1, line 2, strike the first "a" and insert
- 13 "an advisory".

LEGISLATIVE BILL 480A. Placed on Select File as amended.

E & R amendment to LB 480A:

AM7161

- 1 1. On page 1, line 3, strike "First Session, 1999" and
- 2 insert "Second Session, 2000".
- 3 2. On page 2, lines 2, 9, and 11, strike "FY1999-00" and

4 insert "FY2000-01"; in lines 3, 9, and 12 strike "FY2000-01" and
 5 insert "FY2001-02"; in lines 5 and 14 strike "First" and insert
 6 "Second"; and in lines 6 and 15 strike "1999" and insert "2000".

LEGISLATIVE BILL 419. Placed on Select File as amended.
 E & R amendment to LB 419:
 AM7163

1 1. In the Coordsen amendment, AM2026, on page 2, line 5,
 2 after the comma insert "and".
 3 2. On page 1, strike beginning with "section" in line 1
 4 through line 4 and insert "sections 77-1359 and 77-1361, Revised
 5 Statutes Supplement, 1998; to change provisions relating to
 6 valuation of farm sites; to define and redefine terms; and to
 7 repeal the original sections."

LEGISLATIVE BILL 788. Placed on Select File as amended.
 E & R amendment to LB 788:
 AM7160

1 1. On page 1, line 2; and page 3, lines 2 and 3 and 6
 2 and 7, strike "Reissue Revised Statutes of Nebraska" and insert
 3 "Revised Statutes Supplement, 1999".

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 582. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM0560, found on page 793, First Session, 1999, 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, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 658. Title read. Considered.

Senator Lynch renewed his pending amendment, AM0444, found on page 818, First Session, 1999.

Senator Lynch moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Lynch amendment 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 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 626. Title read. Considered.

Senators Byars and Dickey asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 297. Introduced by Coordsen, 32; Hudkins, 21; Kristensen, 37; Schimek, 27; Bromm, 23; Chambers, 11; Beutler, 28; Brashear, 4; Lynch, 13.

PURPOSE: The purpose of this resolution is to authorize the continuation of the Redistricting Task Force, created by LR 174 in 1999. The task force shall act as an advisory committee to the Executive Board of the Legislative Council in matters relating to the 2001 redistricting process. The responsibilities of the task force shall include, but not be limited to, the following:

(1) To draft and recommend the substantive and procedural guidelines that will guide the Legislature's 2001 redistricting process. It is the intent of the Legislature that the guidelines be drafted so as to ensure that redistricting plans developed are constitutionally acceptable and that the redistricting process is as efficient, fair, and open as possible;

(2) To make recommendations for statutory changes relating to redistricting that the Legislature may need to consider in 2000; and

(3) To oversee the Legislative Research Division's involvement in the redistricting process.

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

1. That the Redistricting Task Force, consisting of Senators Beutler, Brashear, Bromm, Chambers, Hudkins, Kristensen, Lynch, Schimek, and Coordsen act as an advisory committee to the Executive Board of the Legislative Council in matters relating to the 2001 redistricting process.

2. That the task force be responsible for the tasks enumerated above, as well as any others that the Executive Board of the Legislative Council may assign to it in conjunction with the redistricting process.

Laid over.

LEGISLATIVE RESOLUTION 298. Introduced by Preister, 5; Brown, 6; Price, 26; Beutler, 28; Connealy, 16; Kiel, 9; Schimek, 27; Hilgert, 7; Lynch, 13; Hartnett, 45; Suttle, 10; Bourne, 8; Wehrbein, 2.

WHEREAS, 33,587 men and women in the United States military and 13,966 United States civilians were captured by the forces of the Empire of Japan in the Pacific Theater during World War II, confined in brutal prison camps, and subjected to severe shortages of food, medicine, and other basic necessities; and

WHEREAS, many of the United States military and civilian prisoners of the Imperial Japanese Government during World War II were forced to work in coal, copper, lead, and zinc mines; steel plants; shipbuilding yards; and other private Imperial Japanese industries; and

WHEREAS, many of the United States military and civilian prisoners of the Imperial Japanese Government were starved and beaten to death or executed by beheading, firing squads, or immolation, while working for Japanese business entities that have become some of the largest multinational companies in the world today; and

WHEREAS, the Federal Republic of Germany has formally apologized to the victims of the Holocaust and provided financial compensation to its victims; and

WHEREAS, the United States Government, in 1988, acknowledged the unfairness of its policy of detaining and interring Japanese-Americans during World War II; and

WHEREAS, while Japanese Government officials have expressed personal apologies and supported the payment of privately funded reparations to some victims, the Japanese Government has refused to fully acknowledge the crimes of Imperial Japan committed during World War II and to provide reparations to its victims; and

WHEREAS, similar resolutions have been adopted by the California Legislature and introduced in the United States House of Representatives.

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

1. That the Legislature urges the Government of Japan to formally acknowledge and issue an apology for the war crimes committed by the Imperial Japanese military during World War II and to pay reparations to the victims of those crimes.

2. That the Legislature requests that the President of the United States and the United States Congress take all appropriate action to further bring about a formal apology and reparations by the Japanese Government.

3. That copies of this resolution be sent to the Japanese Ambassador to the United States, the President of the United States, the President of the Senate, the speaker of the House of Representatives, and each member of Nebraska's congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 299. Introduced by Engel, 17; Bromm, 23; D. Pederson, 42.

WHEREAS, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

WHEREAS, under the United States Constitution, the states are to determine public policy; and

WHEREAS, it is the duty of the judiciary to interpret the law, not to create law; and

WHEREAS, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

WHEREAS, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

WHEREAS, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

WHEREAS, these court actions violate the United States Constitution and the legislative process; and

WHEREAS, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the United States Constitution is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, Alabama, Alaska, Arizona, Colorado, Delaware, Louisiana, Massachusetts, Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota, Tennessee, and Utah have petitioned the United States Congress to propose an amendment to the Constitution of the United State of America; and

WHEREAS, the amendment was previously introduced in Congress; and

WHEREAS, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes.

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

1. That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the Legislature of the State of Nebraska also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the United States

Constitution and apply to the United States Congress to propose such an amendment to the United States Constitution.

4. That the Secretary of State of the State of Nebraska transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the union, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Nebraska Congressional Delegation.

Referred to the Reference Committee.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 298 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 29:

FA266

Page 2, line 15 strike and show as stricken "and the Department of Agriculture for special investigative purposes", and the same language on page 5, lines 7-8.

Senator Chambers filed the following amendment to LB 29:

FA267

Page 2, line 14 beginning with "the", strike and show as stricken, all language through "purposes" in line 16 and the same language on page 5, lines 5-7.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1322. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,124, Reissue Revised Statutes of Nebraska, and sections 60-480, 60-484, 60-4,118, 60-4,120.01, 60-4,122, and 60-4,149.01, Revised Statutes Supplement, 1999; to redefine a term; to change provisions relating to proof of identification, applications for provisional operators' permits, license examinations, and school permits; to change provisions relating to certain examination waivers; and to repeal the original sections.

LEGISLATIVE BILL 1323. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to teachers; to create a team; and to provide for a study.

LEGISLATIVE BILL 1324. Introduced by Raikes, 25; Bohlke, 33; Price, 26; Redfield, 12; Schrock, 38; Thompson, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1029, Revised Statutes Supplement, 1999; to change provisions relating to elections to exceed basic allowable growth percentage; and to repeal the original section.

LEGISLATIVE BILL 1325. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to law enforcement; to amend sections 53-1,121 and 83-1020, Reissue Revised Statutes of Nebraska; to change provisions relating to the custody and placement of intoxicated and mentally ill dangerous persons; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 1326. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to provide an appropriation to the Nebraska Arts Council; and to declare an emergency.

LEGISLATIVE BILL 1327. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3252 and 2-3253, Reissue Revised Statutes of Nebraska, and section 2-3254, Revised Statutes Supplement, 1999; to provide for altering improvement project area boundaries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1328. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Engel, 17; Kiel, 9; Lynch, 13; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend section 79-1316, Revised Statutes Supplement, 1998; to change provisions relating to powers and duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1329. Introduced by Schrock, 38; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Revised Statutes Supplement, 1999; to change provisions relating to districts within a unified system; and to repeal the original section.

LEGISLATIVE BILL 1330. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend section 77-4935, Revised Statutes Supplement, 1998; to change a termination date for applications; to repeal the original sections; and to declare an

emergency.

LEGISLATIVE BILL 1331. Introduced by Schrock, 38; Bohlke, 33; Dierks, 40; Engel, 17.

A BILL FOR AN ACT relating to agriculture; to require covering of certain lagoons; to provide duties; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 1332. Introduced by Wickersham, 49; Jones, 43; Matzke, 47.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-1401, 86-1402, and 86-1405, Reissue Revised Statutes of Nebraska; to establish an application process for the installation and delivery of broadband and advanced telecommunications infrastructure and services; to provide duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1333. Introduced by Wickersham, 49; Jones, 43.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1506, Reissue Revised Statutes of Nebraska; to provide assistance to counties and municipalities for delivering and installing broadband and advanced telecommunications infrastructure and services; to provide intent; to require certain funding reimbursements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1334. Introduced by Education Committee: Bohlke, 33, Chairperson; Coordsen, 32; Price, 26; Raikes, 25; Stuhr, 24; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-534 and 79-535, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Supplement, 1998; to change provisions relating to tuition; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1335. Introduced by Bohlke, 33; Dierks, 40; Hudkins, 21; Schrock, 38; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1132, Revised Statutes Supplement, 1998, and sections 79-1110, 79-1142, 79-1144, and 79-1145, Revised Statutes Supplement, 1999; to provide for funding for high-needs special education students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1336. Introduced by Bohlke, 33; Raikes, 25; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to early childhood education; to amend sections 79-808, 79-1101, and 79-1104, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Supplement, 1998; to change provisions relating to programs; to eliminate pilot projects, a program, and a committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1337. Introduced by Kiel, 9; Bourne, 8; Jones, 43; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Price, 26.

A BILL FOR AN ACT relating to passenger rail service; to adopt the Midwest Interstate Passenger Rail Compact.

LEGISLATIVE BILL 1338. Introduced by Kiel, 9; Bourne, 8; Landis, 46; Lynch, 13; Preister, 5; Price, 26; Redfield, 12; Schimek, 27; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1999; to provide a tax credit for liability insurance premiums for onsite child care facilities; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1339. Introduced by Tyson, 19; Aguilar, 35; Baker, 44; Bohlke, 33; Bourne, 8; Brashear, 4; Bromm, 23; Bruning, 3; Byars, 30; Connealy, 16; Coordsen, 32; Dickey, 18; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kremer, 34; Kristensen, 37; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to create a legislative task force to study Nebraska property taxation.

LEGISLATIVE BILL 1340. Introduced by Landis, 46; Wickersham, 49.

A BILL FOR AN ACT relating to the Employment and Incentive Growth Act; to amend section 77-4113, Reissue Revised Statutes of Nebraska, and section 77-4104, Revised Statutes Supplement, 1999; to change provisions relating to the application process; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1341. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-885.21, Reissue Revised statutes of Nebraska; to change provisions relating to trust accounts; and to repeal the original section.

LEGISLATIVE BILL 1342. 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 1343. Introduced by Bromm, 23; Dickey, 18; Kremer, 34.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3218, Reissue Revised Statutes of Nebraska; to change provisions relating to per diems; and to repeal the original section.

LEGISLATIVE BILL 1344. Introduced by Jensen, 20; Stuhr, 24.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-715, 28-720, and 28-725, Reissue Revised Statutes of Nebraska, and sections 28-710 and 28-713, Revised Statutes Supplement, 1998; to change provisions relating to reports and the central register; to provide for a tracking system; and to repeal the original sections.

LEGISLATIVE BILL 1345. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Revised Statutes Supplement, 1999; to authorize in lieu of tax payments for Indian housing authorities as prescribed; to define terms; to provide powers; and to repeal the original section.

LEGISLATIVE BILL 1346. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.04, 53-124, 53-124.12, and 53-124.14, Reissue Revised Statutes of Nebraska, section 53-122, Revised Statutes Supplement, 1998, and sections 53-103, 53-131, and 53-134, Revised Statutes Supplement, 1999; to provide for Class D-1 licenses; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1347. Introduced by Schimek, 27; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend section 9-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to tribal-state compacts; to state intent; to provide for legislative approval; and to repeal the original section.

LEGISLATIVE BILL 1348. Introduced by Wehrbein, 2; Baker, 44; Bromm, 23; Connealy, 16; Coordsen, 32; Dierks, 40; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Schrock, 38; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1299, 81-12,102, and 81-12,103, Reissue Revised Statutes of

Nebraska; to adopt the Nebraska Agricultural and Rural Opportunities Act; to state intent; to change provisions relating to the Microenterprise Partnership Program; and to repeal the original sections.

LEGISLATIVE BILL 1349. Introduced by Bromm, 23; Wehrbein, 2.

A BILL FOR AN ACT relating to the Information Technology Infrastructure Act; to amend sections 81-1190 to 81-1192, 81-1194, 81-1195, 81-1199, and 81-11,102, Reissue Revised Statutes of Nebraska, section 81-179, Revised Statutes Supplement, 1998, and section 77-2602, Revised Statutes Supplement, 1999; to change provisions of the act; to define and redefine terms; to change funding; to change and eliminate powers and duties; to eliminate a termination date; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-1193, 81-1197, 81-1198, 81-11,100, 81-11,101, and 81-11,103, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1350. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-438 and 37-439, Revised Statutes Supplement, 1999; to change provisions relating to motor vehicle entry permit fees; and to repeal the original sections.

LEGISLATIVE BILL 1351. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1998; to provide a deduction from income for child care wages as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1352. Introduced by Janssen, 15; Baker, 44; Bohlke, 33; Hudkins, 21; Schimek, 27.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1725, Reissue Revised Statutes of Nebraska; to create a task force; to provide powers and duties; to provide a termination date; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1353. Introduced by Wickersham, 49; Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1344, 77-1360.01, and 77-5023, Revised Statutes Supplement, 1998, and section 79-1016, Revised Statutes Supplement, 1999; to change provisions relating to valuation of agricultural and horticultural land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1354. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to exempt prepaid telephone calling arrangements sold through vending machines from sales tax; to require registration and a fee for such vending machines; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1355. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.01, Reissue Revised Statutes of Nebraska; to create a fund; to provide for grants; to state intent relating to appropriations; to provide an exception to a levy limitation; to provide duties for the Department of Water Resources; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1356. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend section 46-656.01, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 1999; to create a fund; to provide for grants; to provide an exception to a levy limitation; to provide duties for the Department of Water Resources; to provide for a fee; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1357. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-680, Reissue Revised Statutes of Nebraska; to authorize local authorities to prohibit the use of engine brakes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1358. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3501, Revised Statutes Supplement, 1998, and sections 77-3508 and 77-3513, Revised Statutes Supplement, 1999; to change provisions relating to disability for homestead exemption purposes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1359. Introduced by Dierks, 40; Schmitt, 41.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2411, Revised Statutes Supplement, 1999; to change permit application provisions; and to repeal the original section.

LEGISLATIVE BILL 1360. Introduced by Redfield, 12; Brashear, 4; Brown, 6; Engel, 17; Kiel, 9; D. Pederson, 42; Schrock, 38; Smith, 48.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1532, Reissue Revised Statutes of Nebraska; to provide for a program for recognition and reward of businesses with exemplary environmental management; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1361. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 1999; to change effective dates; to change safety regulation applicability; and to repeal the original sections.

LEGISLATIVE BILL 1362. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Department of Aeronautics; to amend section 3-128, Reissue Revised Statutes of Nebraska; to change powers and duties; and to repeal the original section.

LEGISLATIVE BILL 1363. Introduced by Connealy, 16; Bourne, 8; Bromm, 23; Chambers, 11; Cudaback, 36; Dierks, 40; Hilgert, 7; Jensen, 20; Kiel, 9; D. Pederson, 42; Preister, 5; Price, 26; Robak, 22; Smith, 48; Stuhr, 24; Suttle, 10; Tyson, 19.

A BILL FOR AN ACT relating to immigrant workers; to create a task force; to provide duties; and to state intent.

LEGISLATIVE BILL 1364. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-808, Reissue Revised Statutes of Nebraska; to change provisions relating to teacher and administrator certificates and permits; and to repeal the original section.

LEGISLATIVE BILL 1365. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Supplement, 1999; to change provisions relating to zoning and nonfarm buildings; and to repeal the original section.

LEGISLATIVE BILL 1366. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to telecommunications; to provide for a digital voice newspaper delivery system for blind and other print-reading-impaired persons.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 1291. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 1291. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 951, LB 969, and LB 970. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 1096. No objections. So ordered.

Senator Matzke asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

Senator Dierks asked unanimous consent to have his name added as cointroducer to LB 302A. No objections. So ordered.

VISITORS

Visitors to the Chamber were Eric and Joyce Kerr from Gering; Mike Adams from Arapahoe; and Paul Erickson from Wahoo.

The Doctor of the Day was Dr. Cindi Dodge from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, January 20, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 20, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 20, 2000

PRAYER

The prayer was offered by Pastor Doug Gunkelman, St. John's Lutheran Church, Beatrice, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Crosby and Vrtiska who were excused; and Senators Bohlke, Brashear, Bromm, Byars, Coordsen, Landis, Raikes, Robak, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 304, line 13, and page 307, line 9, strike "Referred to the Executive Board." and insert "Laid over."

The Journal for the eighth day was approved as corrected.

The Journal for the ninth day was approved.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 988. Indefinitely postponed.

LEGISLATIVE BILL 996. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills, resolutions, and proposal:

LB/LR	Committee
LB 1258	Urban Affairs
LB 1259	Appropriations
LB 1260	Revenue
LB 1261	Health and Human Services
LB 1262	Government, Military and Veterans Affairs
LB 1263	Revenue
LB 1264	Health and Human Services
LB 1265	Government, Military and Veterans Affairs
LB 1266	Natural Resources
LB 1267	Banking, Commerce and Insurance
LB 1268	Transportation and Telecommunications
LB 1269	Business and Labor
LB 1270	Revenue
LB 1271	Banking, Commerce and Insurance
LB 1272	Education
LB 1273	Natural Resources
LB 1274	Health and Human Services
LB 1275	Judiciary
LB 1276	Revenue
LB 1277	Judiciary
LB 1278	Education
LB 1279	Revenue
LB 1280	Agriculture
LB 1281	Government, Military and Veterans Affairs
LB 1282	Judiciary
LB 1283	Transportation and Telecommunications
LB 1284	Transportation and Telecommunications
LB 1285	Transportation and Telecommunications
LB 1286	Natural Resources
LB 1287	Transportation and Telecommunications
LB 1288	Government, Military and Veterans Affairs
LB 1289	Judiciary
LB 1290	Education
LB 1291	Judiciary
LB 1292	Government, Military and Veterans Affairs
LR 295	Natural Resources
LR 296	Natural Resources

Designation of the Nebraska State Treasurer's Office as vendor to operate the State Disbursement Unit for receiving and disbursing child support payments, as provided in LB 637, 1999 – Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Senator Cudaback designates LB 922 as his priority bill.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1367. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Smith, 48.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-730 and 31-739, Reissue Revised Statutes of Nebraska; to change provisions relating to district formation and deposit of funds; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1368. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Preister, 5; Quandahl, 31; Redfield, 12; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 1999; to change levy limitations with respect to sanitary and improvement districts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1369. 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 oil and gas severance tax; to amend section 57-705, Reissue Revised Statutes of Nebraska; to change provisions relating to the Severance Tax Fund; and to repeal the original section.

LEGISLATIVE BILL 1370. 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 the Volunteer Emergency Responders Recruitment and Retention Act; to amend sections 35-1207 and 81-520.01, Reissue Revised Statutes of Nebraska, and sections 28-1249, 35-1301 to 35-1303, 35-1311, 35-1315, 35-1316, 37-438, and 37-446, Revised Statutes Supplement, 1999; to change provisions relating to proceeds of taxes and fees and the transfer of certain funds; to restate findings; to define a term; to provide for appropriations; to create a fund; to provide for the distribution of the fund; to change fees; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1371. 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 the Volunteer Emergency Responders Recruitment and Retention Act; to amend sections 35-1301 to 35-1303, 35-1311, 35-1315, and 35-1316, Revised Statutes Supplement, 1999; to restate findings; to define a term; to provide for appropriations; to create a fund; to provide for the distribution of the fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1372. Introduced by Crosby, 29.

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 certain veteran benefits; and to repeal the original section.

LEGISLATIVE BILL 1373. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to license plates; to amend sections 60-311, 60-311.01, and 60-311.22, Revised Statutes Supplement, 1999; to provide for identification of the county of issuance on all license plates as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1374. Introduced by Price, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.17, Reissue Revised Statutes of Nebraska, and section 77-2702.07, Revised Statutes Supplement, 1999; to redefine terms to exclude coupons from sales tax computation; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1375. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend section 70-625, Revised Statutes Supplement, 1998; to limit eligible providers of telecommunications service; to regulate certain leases of fiber capacity; to state intent; to harmonize provisions; to provide a duty to the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1376. Introduced by Dierks, 40; Coordsen, 32; Cudaback, 36; Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to Class I school districts; to amend sections 79-4,111 and 79-1098, Revised Statutes Supplement, 1998, and sections 77-3444, 79-1003, 79-1083.03, and 79-10,124, Revised Statutes Supplement, 1999; to change provisions relating to calculation of allowable budget expenditures as prescribed; to eliminate provisions relating to dissolution of districts and to reduction of property tax requests; to

harmonize provisions; to repeal the original sections; to outright repeal section 79-4,110, Revised Statutes Supplement, 1998, and section 79-1027.01, Revised Statutes Supplement, 1999; and to declare an emergency.

LEGISLATIVE BILL 1377. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to natural gas; to amend section 81-1636, Reissue Revised Statutes of Nebraska; to authorize use of the Nebraska Energy Settlement Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1378. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-916, Reissue Revised Statutes of Nebraska; to change provisions relating to additions; and to repeal the original section.

LEGISLATIVE BILL 1379. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1,125, Reissue Revised Statutes of Nebraska; to change provisions of a minority scholarship program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1380. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to eminent domain; to amend sections 25-2501, 25-2505, 79-1095, and 79-1096, Reissue Revised Statutes of Nebraska; to change provisions relating to school district takings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1381. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to amend sections 23-373 and 76-2,112, Reissue Revised Statutes of Nebraska, section 19-902, Revised Statutes Supplement, 1998, and section 23-114, Revised Statutes Supplement, 1999; to define a term; to create the Niobrara Council; to provide powers and duties; to create a fund; to harmonize provisions; to eliminate the Niobrara Scenic River Local Management Council; to repeal the original sections; and to outright repeal sections 72-2001 to 72-2004, Revised Statutes Supplement, 1998.

LEGISLATIVE BILL 1382. Introduced by Janssen, 15; Cudaback, 36.

A BILL FOR AN ACT relating to weights and measures; to amend section 89-186, Reissue Revised Statutes of Nebraska; to change provisions relating to packaging regulations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1383. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to criminal procedure; to create the Voluntary Sentencing Guidelines Commission; to provide duties; and to provide for more uniform sentencing.

SELECT FILE

LEGISLATIVE BILL 884. Advanced to E & R for engrossment.
LEGISLATIVE BILL 885. Advanced to E & R for engrossment.
LEGISLATIVE BILL 886. Advanced to E & R for engrossment.
LEGISLATIVE BILL 887. Advanced to E & R for engrossment.
LEGISLATIVE BILL 888. Advanced to E & R for engrossment.
LEGISLATIVE BILL 889. Advanced to E & R for engrossment.
LEGISLATIVE BILL 890. Advanced to E & R for engrossment.
LEGISLATIVE BILL 891. Advanced to E & R for engrossment.
LEGISLATIVE BILL 892. Advanced to E & R for engrossment.

LEGISLATIVE BILL 893. E & R amendment, AM7159, found on page 302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 894. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

The Standing Committee amendment, AM0501, found on page 793, First Session, 1999, lost with 0 ayes, 21 nays, 24 present and not voting, and 4 excused and not voting.

Senators Schimek and Cudaback offered the following amendment:
 AM2058

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Secretary of State shall design and
- 4 implement a central filing system for county zoning regulations.
- 5 The Secretary of State shall be the system operator. The system
- 6 shall provide a means for filing county zoning regulations on a
- 7 statewide basis. The system shall include each county's zoning
- 8 regulations or temporary zoning regulations and any amendments
- 9 adopted thereto.

10 The Secretary of State and his or her employees or agents
11 are exempt from all personal liability as a result of any error or
12 omission in providing information of filings recorded under this
13 section except in cases of willful misconduct or gross negligence.

14 Sec. 2. Section 23-114, Revised Statutes Supplement,
15 1999, is amended to read:

16 23-114. (1) The county board shall have power: (a) To
17 provide for temporary zoning as provided in sections 23-115 to
18 23-115.02; (b) to create a planning commission with the powers and
19 duties set forth in sections 23-114 to 23-114.05, 23-168.01 to
20 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376; (c) to
21 make, adopt, amend, extend, and implement a county comprehensive
22 development plan; and (d) to adopt a zoning resolution, which shall
23 have the force and effect of law. The county board shall file the
24 county zoning regulations or temporary zoning regulations and any
1 amendments adopted thereto with the Secretary of State as provided
2 in section 1 of this act.

3 (2) The zoning resolution may regulate and restrict: (a)
4 The location, height, bulk, number of stories, and size of
5 buildings and other structures, including tents, cabins, house
6 trailers, and automobile trailers; (b) the percentage of lot areas
7 which may be occupied; (c) building setback lines; (d) sizes of
8 yards, courts, and other open spaces; (e) the density of
9 population; (f) the uses of buildings; and (g) the uses of land for
10 agriculture, forestry, recreation, residence, industry, and trade,
11 after considering factors relating to soil conservation, water
12 supply conservation, surface water drainage and removal, or other
13 uses in the unincorporated area of the county.

14 (3)(a) The county board shall not adopt or enforce any
15 zoning resolution or regulation which prohibits the use of land for
16 a proposed residential structure for the sole reason that the
17 proposed structure is a manufactured home if such manufactured home
18 bears an appropriate seal which indicates that it was constructed
19 in accordance with the standards of the Uniform Standard Code for
20 Manufactured Homes and Recreational Vehicles, the Nebraska Uniform
21 Standards for Modular Housing Units Act, or the United States
22 Department of Housing and Urban Development. The county board may
23 require that a manufactured home be located and installed according
24 to the same standards for foundation system, permanent utility
25 connections, setback, and minimum square footage which would apply
26 to a site-built, single-family dwelling on the same lot. The
27 county board may also require that manufactured homes meet the
1 following standards:

2 (i) The home shall have no less than nine hundred square
3 feet of floor area;

4 (ii) The home shall have no less than an eighteen-foot
5 exterior width;

6 (iii) The roof shall be pitched with a minimum vertical
7 rise of two and one-half inches for each twelve inches of

8 horizontal run;

9 (iv) The exterior material shall be of a color, material,
10 and scale comparable with those existing in residential site-built,
11 single-family construction;

12 (v) The home shall have a nonreflective roof material
13 which is or simulates asphalt or wood shingles, tile, or rock; and

14 (vi) The home shall have wheels, axles, transporting
15 lights, and removable towing apparatus removed.

16 (b) The county board may not require additional standards
17 unless such standards are uniformly applied to all single-family
18 dwellings in the zoning district.

19 (c) Nothing in this subsection shall be deemed to
20 supersede any valid restrictive covenants of record.

21 (4) For purposes of this section, manufactured home shall
22 mean (a) a factory-built structure which is to be used as a place
23 for human habitation, which is not constructed or equipped with a
24 permanent hitch or other device allowing it to be moved other than
25 to a permanent site, which does not have permanently attached to
26 its body or frame any wheels or axles, and which bears a label
27 certifying that it was built in compliance with National

1 Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280
2 et seq., promulgated by the United States Department of Housing and
3 Urban Development, or (b) a modular housing unit as defined in
4 section 71-1557 bearing a seal in accordance with the Nebraska
5 Uniform Standards for Modular Housing Units Act.

6 (5) Special districts or zones may be established in
7 those areas subject to seasonal or periodic flooding, and such
8 regulations may be applied as will minimize danger to life and
9 property.

10 (6) The powers conferred by this section shall not be
11 exercised within the limits of any incorporated city or village nor
12 within the area over which a city or village has been granted
13 zoning jurisdiction and is exercising such jurisdiction. At such
14 time as a city or village exercises control over an unincorporated
15 area by the adoption or amendment of a zoning ordinance, the
16 ordinance or amendment shall supersede any resolution or regulation
17 of the county.

18 Sec. 3. Original section 23-114, Revised Statutes
19 Supplement, 1999, is repealed.

20 Sec. 4. Since an emergency exists, this act takes effect
21 when passed and approved according to law."

PRESIDENT MAURSTAD PRESIDING

The Schimek-Cudaback amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Cudaback moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Cudaback requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Baker	Brashear	Bruning	Byars
Chambers	Connealy	Cudaback	Dickey	Hartnett
Hudkins	Janssen	Jones	Kremer	Kristensen
Matzke	Quandahl	Raikes	Schimek	Schrock
Smith	Stuhr	Tyson	Wehrbein	Wickersham

Voting in the negative, 12:

Beutler	Bromm	Hilgert	Jensen	Landis
Lynch	Pedersen, Dw.	Preister	Price	Redfield
Schmitt	Thompson			

Present and not voting, 10:

Bohlke	Bourne	Brown	Coordsen	Dierks
Engel	Kiel	Pederson, D.	Robak	Suttle

Excused and not voting, 2:

Crosby	Vrtiska
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Advanced to E & R for review with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 289A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1384. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to elevators; to amend section 48-418.12, Reissue Revised Statutes of Nebraska; to change provisions relating to rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1385. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to vocational technical education; to provide for a committee; and to require a study.

LEGISLATIVE BILL 1386. Introduced by Brown, 6; Bourne, 8; Connealy, 16; Hilgert, 7; Dw. Pedersen, 39.

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

LEGISLATIVE BILL 1387. Introduced by Landis, 46.

A BILL FOR AN ACT relating to fiduciaries; to amend section 30-3205, Reissue Revised Statutes of Nebraska; to change provisions relating to investment compensation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1388. Introduced by Landis, 46; Dierks, 40; Suttle, 10.

A BILL FOR AN ACT relating to infants and juveniles; to provide for specialized placement for children in out-of-home care; to state intent; and to provide duties.

LEGISLATIVE BILL 1389. Introduced by Landis, 46.

A BILL FOR AN ACT relating to economic development; to adopt the Capital Access Program Act.

LEGISLATIVE BILL 1390. Introduced by Landis, 46.

A BILL FOR AN ACT relating to civil procedure; to provide a settlement escrow procedure; to state intent; and to provide duties.

LEGISLATIVE BILL 1391. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,107, Reissue Revised Statutes of Nebraska; to change provisions relating to disciplinary action as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1392. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-245, 43-250, 43-251, 43-251.01, 43-253, 43-254, 43-258, 43-259, 43-272.01, 43-276, 43-284, 43-286, 43-290, 43-2,101, 43-2,129, 43-403, 43-413, 43-2412, and 83-4,125, Reissue Revised Statutes of Nebraska; to adopt the Nebraska County Juvenile Services Plan Act; to define terms; to require risk assessment for detention and type of detention; to change placement and transportation cost provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1393. Introduced by Hartnett, 45; Preister, 5;

Thompson, 14.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Supplement, 1999; to require the eradication of white perch; to state intent; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1394. Introduced by Beutler, 28; Baker, 44; Bohlke, 33; Bourne, 8; Brashear, 4; Brown, 6; Bruning, 3; Hartnett, 45; Hilgert, 7; Jensen, 20; Kiel, 9; Landis, 46; Lynch, 13; Matzke, 47; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 1999; to authorize eminent domain for acquisition of county roads; and to repeal the original section.

LEGISLATIVE BILL 1395. Introduced by Beutler, 28; Brashear, 4; Brown, 6; Bruning, 3; Byars, 30; Hartnett, 45; Jensen, 20; Kiel, 9; Landis, 46; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Schimek, 27; Suttle, 10; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska; to change the number of members and their qualifications; to require the Legislature to redistrict the state for purposes of appointing members to the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1396. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to economic forecasting; to amend section 77-4603, Reissue Revised Statutes of Nebraska; to change provisions relating to recertification of estimates; and to repeal the original section.

LEGISLATIVE BILL 1397. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-1003 and 79-1031, Revised Statutes Supplement, 1999; to adopt the Quality Professional Educators Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1398. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4105, Reissue Revised Statutes of Nebraska, and section 77-4104, Revised Statutes Supplement, 1999; to require in-kind contributions as part of agreements under the act; and to repeal the original sections.

LEGISLATIVE BILL 1399. Introduced by Bohlke, 33; Coordsen, 32; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to teachers; to provide for a salary study; and to declare an emergency.

LEGISLATIVE BILL 1400. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.02, 79-1028, and 79-1072.01, Revised Statutes Supplement, 1999; to provide for minimum teacher salary levels and teacher salary supplements; to define terms; to change provisions relating to calculation of local system formula need; to provide an exception to growth rate limitations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1401. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-237, 79-240, 79-4,101, 79-573, 79-583, 79-817, 79-1092, 85-1641, 85-1642, and 85-1657, Reissue Revised Statutes of Nebraska, sections 79-214, 79-238, 79-1008.02, 79-1032, 79-1125, and 79-1162, Revised Statutes Supplement, 1998, and sections 13-511, 79-442, 79-458, 79-528, 79-1003, 79-1008.01, 79-1009, 79-1015.01, 79-1028, 79-1035, 79-1072.01 to 79-1072.03, 79-10,124, 79-1142, and 79-1155, Revised Statutes Supplement, 1999; to change provisions relating to budgets, beginner grade entrance document requirements, the enrollment option program, reorganization plan hearings, report filing dates, warrants, expenditure limitations, state aid, temporary mitigation funds, the Hardship Fund, certain site and building funds, special education, and private postsecondary career schools; to change and eliminate provisions relating to duties of the School Finance Review Committee; to eliminate provisions relating to reserve teachers and the nonresident high school tuition fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-4,107, 79-8,102 to 79-8,105, and 79-1082, Reissue Revised Statutes of Nebraska, section 79-759, Revised Statutes Supplement, 1998, and section 79-1076, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1402. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to insurance; to require uniform prescription drug information cards for certain coverage.

LEGISLATIVE BILL 1403. Introduced by Kiel, 9; Smith, 48; Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 71-503.01, Revised Statutes Supplement, 1998; to state findings; to define terms; to provide for testing for infectious diseases and conditions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1404. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Reissue Revised Statutes of Nebraska; to change a fee and authorize reimbursement for certain publication costs; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 1405. Introduced by Hilgert, 7; Aguilar, 35; Baker, 44; Brashear, 4; Bruning, 3; Byars, 30; Coordsen, 32; Cudaback, 36; Dickey, 18; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to abortion; to adopt the Fetal Tissue Research Act; and to provide severability.

LEGISLATIVE BILL 1406. Introduced by Bohlke, 33; Jensen, 20; Suttle, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to education; to amend sections 43-284 and 79-211, Reissue Revised Statutes of Nebraska, sections 79-215 and 79-1007.01, Revised Statutes Supplement, 1998, and sections 79-101 and 79-201, Revised Statutes Supplement, 1999; to provide for special-purpose education programs; to provide duties for the Department of Health and Human Services, the State Department of Education, and school districts; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1407. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brown, 6; Engel, 17; Kiel, 9; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to child care; to amend section 68-1724, Reissue Revised Statutes of Nebraska; to authorize child-care expense reimbursement for low-income families as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1408. Introduced by Lynch, 13; Schrock, 38.

A BILL FOR AN ACT relating to medical assistance; to request approval for a demonstration project; and to provide an operative date.

LEGISLATIVE BILL 1409. Introduced by Stuhr, 24; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Pioneer Farm Family License Plates; to provide powers and duties for the Department of Motor Vehicles; and to provide fees.

LEGISLATIVE BILL 1410. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the bicentennial of the Lewis and Clark Expedition; to establish the Nebraska Lewis and Clark Bicentennial Commission; to create a fund; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 1411. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Air and Water Pollution Control Tax Refund Act; to amend sections 77-27,149 to 77-27,155, Reissue Revised Statutes of Nebraska; to change refund eligibility; to rename the act; to provide intent; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1412. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to income tax; to amend section 77-2793, Reissue Revised Statutes of Nebraska; to change a statute of limitations for credits or refunds relating to overpayments; and to repeal the original section.

LEGISLATIVE BILL 1413. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1009 and 29-820, Reissue Revised Statutes of Nebraska, and sections 28-1006 and 28-1012, Revised Statutes Supplement, 1998; to change provisions relating to offenses against animals; and to repeal the original sections.

LEGISLATIVE BILL 1414. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 1999; to provide a tax credit for donations to public schools; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1415. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to charitable and fraternal societies; to amend sections 21-609 and 21-622, Reissue Revised Statutes of Nebraska; to change provisions relating to bylaws, members, and property; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1416. Introduced by Bromm, 23; Byars, 30; Jensen, 20; Wehrbein, 2.

A BILL FOR AN ACT relating to government; to create a task force to study issues relating to health insurance coverage for public employees; and

to declare an emergency.

LEGISLATIVE BILL 1417. Introduced by Jensen, 20; Byars, 30; Tyson, 19.

A BILL FOR AN ACT relating to public health and welfare; to require the disclosure of information relating to certain research to the Health and Human Services Committee of the Legislature.

LEGISLATIVE BILL 1418. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to public financing; to amend section 13-808, Reissue Revised Statutes of Nebraska, and sections 13-2530 and 13-2531, Revised Statutes Supplement, 1999; to adopt the Public Facilities Construction and Finance Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1419. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle dealers; to amend section 60-1407.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to special permits for sales at a place other than an established place of business; to harmonize provisions; to repeal the original section; and to outright repeal section 60-1407.05, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1420. Introduced by Bromm, 23; Janssen, 15; Jones, 43; Stuhr, 24; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1303 and 81-2005, Reissue Revised Statutes of Nebraska; to provide powers and duties for carrier enforcement officers; to provide training; and to repeal the original sections.

LEGISLATIVE BILL 1421. Introduced by Bromm, 23; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to railroads; to amend sections 74-608 and 74-609, Reissue Revised Statutes of Nebraska; to provide for penalties, liability, and civil actions against railroads that neglect or refuse to maintain rights-of-way; and to repeal the original sections.

LEGISLATIVE BILL 1422. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to protection orders; to amend section 42-924, Reissue Revised Statutes of Nebraska; to change provisions relating to violations and penalties; and to repeal the original section.

LEGISLATIVE BILL 1423. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to horseracing; to adopt the Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutuel Wagering as prescribed.

LEGISLATIVE BILL 1424. Introduced by Preister, 5; Bourne, 8; Connealy, 16; Dierks, 40; Hilgert, 7; Redfield, 12.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend sections 81-1380 and 81-1385, Reissue Revised Statutes of Nebraska; to change special master and appeal provisions; and to repeal the original sections.

LEGISLATIVE BILL 1425. Introduced by Tyson, 19; Bohlke, 33; Dierks, 40; Engel, 17; Janssen, 15; Jensen, 20; Jones, 43; Lynch, 13; Quandahl, 31; Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for an electromechanical and industrial maintenance program and an Agricultural Educational Complex; to provide powers and duties for the Northeast Community College Area; and to declare an emergency.

LEGISLATIVE BILL 1426. Introduced by Tyson, 19; Aguilar, 35; Beutler, 28; Bohlke, 33; Dierks, 40; Engel, 17; Janssen, 15; Jensen, 20; Lynch, 13; Preister, 5; Quandahl, 31; Robak, 22; Schmitt, 41.

A BILL FOR AN ACT relating to livestock waste control facilities; to amend section 54-2404, Revised Statutes Supplement, 1999; to prohibit certain acts; and to repeal the original section.

LEGISLATIVE BILL 1427. Introduced by Jensen, 20; Beutler, 28; Byars, 30; Price, 26; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Health Care Trust Fund Act; to amend sections 71-7606, 71-7607, and 71-7609 to 71-7611, Revised Statutes Supplement, 1998, and sections 71-7605, 71-7606.01, 71-7608, and 71-7614, Revised Statutes Supplement, 1999; to change the name of the act; to state intent; to eliminate a statement of findings; to rename funds and a council; to change and eliminate provisions relating to funding and using certain funds and membership on a council; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-7612, Revised Statutes Supplement, 1999.

LEGISLATIVE BILL 1428. Introduced by Raikes, 25; Beutler, 28; Schimek, 27.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4017.01, 19-4024, 19-4026, 19-4027, 19-4029, and 19-4030, Reissue Revised Statutes of Nebraska; to change provisions relating to assessments under the act; to harmonize provisions; and to repeal

the original sections.

LEGISLATIVE BILL 1429. Introduced by Raikes, 25; Beutler, 28; Schimek, 27.

A BILL FOR AN ACT relating to the Business Improvement District Act; to amend sections 19-4017.01, 19-4018, 19-4021, and 19-4024 to 19-4034, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to assessments and taxes under the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1430. Introduced by Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 1998; to change base limitation provisions; and to repeal the original section.

LEGISLATIVE BILL 1431. Introduced by Matzke, 47; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-315, Reissue Revised Statutes of Nebraska; to change provisions relating to the refund of fees; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 477. Title read. Considered.

The Standing Committee amendment, AM0642, found on page 832, First Session, 1999, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 367. Title read. Considered.

The Standing Committee amendment, AM0615, found on page 843, First Session, 1999, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Connealy 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.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1126. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, January 27, 2000 1:30 p.m.
Agency 83 – Community College Association

LB 1214 Thursday, January 27, 2000 1:30 p.m.

Thursday, January 27, 2000 1:30 p.m.
Agency 72 – Economic Development

LB 1217 Thursday, January 27, 2000 1:30 p.m.

Thursday, January 27, 2000 1:30 p.m.
Agency 18 – Agriculture
Agency 23 – Labor

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENT - Print in Journal

Senator Matzke filed the following amendment to LB 482:
AM2059

(Amendments to Standing Committee amendments, AM0506)

- 1 1. On page 1, line 3, strike "Every" and insert "For
- 2 adoptions decreed on or after January 1, 2000, every"; in line 8
- 3 strike "Finance and Support"; in line 10 strike "prior" through
- 4 "of" and insert "during January of the year following"; in line 15
- 5 after the period insert "To be eligible for payment in the years
- 6 subsequent to the adoption, the requirements of this section must
- 7 be met for the entire year."; and in line 24 after the first period
- 8 insert the following new subsection:
- 9 "(3) The department shall adopt and promulgate rules and
- 10 regulations to carry out this section."

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1432. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Dickey, 18; Hilgert, 7; Janssen, 15; Schrock, 38; and Coordsen, 32; Wehrbein, 2.

A BILL FOR AN ACT relating to agricultural tenants; to amend section 75-109, Revised Statutes Supplement, 1999; to adopt the Agricultural Suppliers Lease Protection Act; to change powers of the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1433. Introduced by Engel, 17.

A BILL FOR AN ACT relating to schools; to amend section 79-1070, Revised Statutes Supplement, 1998; to provide for loans and repayment thereof; and to repeal the original section.

LEGISLATIVE BILL 1434. Introduced by Robak, 22.

A BILL FOR AN ACT relating to public power; to prohibit competition with private business.

LEGISLATIVE BILL 1435. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 29-2252, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 1998; to adopt the Community-Based Alternative Sanctions Act; to eliminate the Community Correctional Facilities and Programs Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 47-601, 47-602, and 47-604 to 47-618, Reissue Revised Statutes of Nebraska, and section 47-603, Revised Statutes Supplement, 1999; and to declare an emergency.

LEGISLATIVE BILL 1436. Introduced by Bohlke, 33; Aguilar, 35; Baker, 44; Bourne, 8; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Chambers, 11; Connealy, 16; Coordsen, 32; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jones, 43; Kiel, 9; Kremer, 34; Kristensen, 37; Landis, 46; Lynch, 13; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Robak, 22; Schmitt, 41; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Tyson, 19; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to tobacco; to amend section 71-7611, Revised Statutes Supplement, 1998, and section 71-7608, Revised Statutes Supplement, 1999; to establish the Teen Tobacco Education and Prevention Project; to create a committee and a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1437. Introduced by Jones, 43; Aguilar, 35; Bruning, 3; Dickey, 18; Hudkins, 21; Kremer, 34; Schmitt, 41; Schrock, 38; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to business entities; to amend sections 21-2602, 21-2606, 67-238, 67-240, 67-306, and 67-344, Reissue Revised Statutes of Nebraska, and sections 67-409 and 67-454, Revised Statutes Supplement, 1998; to adopt the Family Farm and Ranch Transfer Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1438. Introduced by Jones, 43; Baker, 44; Bromm, 23; Cudaback, 36; Dickey, 18; Dierks, 40; Hudkins, 21; Janssen, 15; Kremer, 34; Robak, 22; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to schools; to amend sections 77-2715 and 77-27132, Reissue Revised Statutes of Nebraska, section 77-3442, Revised Statutes Supplement, 1998, and sections 79-1001, 79-1008.01, 79-1018.01, and 79-1022, Revised Statutes Supplement, 1999; to impose an income tax for support of schools; to change levy limitations; to create a fund; to provide for distribution of tax receipts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1439. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to schools; to state intent relating to Class I and Class VI school districts; and to provide duties.

LEGISLATIVE BILL 1440. Introduced by Kiel, 9; Price, 26.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-101, Revised Statutes Supplement, 1998, and section 8-157.01, Revised Statutes Supplement, 1999; to define a term; to limit automatic teller machine surcharges and provide information to customers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1441. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to education; to state intent relating to visual and performing arts; and to provide for rules and regulations.

LEGISLATIVE BILL 1442. Introduced by Kiel, 9; Beutler, 28; Chambers, 11; Connealy, 16; Dierks, 40; Landis, 46; Price, 26; Raikes, 25; Redfield, 12; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to banks and banking; to prohibit disclosure of information as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1443. Introduced by Kiel, 9; Price, 26.

A BILL FOR AN ACT relating to wages; to establish procedures for pay equity audits.

LEGISLATIVE BILL 1444. Introduced by Schrock, 38; Connealy, 16; Cudaback, 36; Dierks, 40; Jones, 43; Price, 26; Robak, 22; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.10, 77-2704.24, and 77-27,132, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Supplement, 1999; to provide for a sales tax on snack foods; to provide revenue for teacher's health insurance; to create a fund; to provide duties; to adjust the school aid formula; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1445. Introduced by Bromm, 23; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to railroads; to amend sections 39-2215, 66-489, 66-499, 66-4,105, 66-668, 66-674, 66-677, 66-6,107, 66-6,112, and 74-1320, Reissue Revised Statutes of Nebraska; to increase fuel taxes to fund railroad crossing projects; to change the excise tax rate on railroads transporting freight; to harmonize provisions; to provide operative dates; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 725. Title read. Considered.

Senator Hartnett asked unanimous consent to bracket LB 725 until April 1, 2000. No objections. So ordered.

LEGISLATIVE BILL 182. Title read. Considered.

Pending.

MOTION - Suspend Rules

Senator Jensen moved to suspend the rules, Rule 3, Sec. 13, and cancel the public hearing on LB 1113.

The Jensen motion to suspend the rules prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1113 Wednesday, January 26, 2000 (cancel) 1:30 p.m.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LB 1158 Thursday, January 27, 2000 1:30 p.m.

LB 1134 Thursday, January 27, 2000 1:30 p.m.

LB 937 Thursday, January 27, 2000 1:30 p.m.

LB 1190 Thursday, January 27, 2000 1:30 p.m.

LB 1206 Friday, January 28, 2000 1:30 p.m.

LB 1199 Friday, January 28, 2000 1:30 p.m.

LB 1196 Friday, January 28, 2000 1:30 p.m.

LB 1288 Friday, January 28, 2000 1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 175:
 AM2065

- 1 1. On page 6, line 6, strike "five" and insert "three";
- 2 and in line 7 after "issuance" insert "and service".

Senator Beutler filed the following amendment to LB 289:
 AM2075

(Amendments to AM2058)

- 1 1. On page 1, line 9, after the period insert "Failure
- 2 to file such regulations and amendments shall not invalidate such
- 3 regulations or amendments duly adopted by the county.".

Senator Brashear filed the following amendment to LB 509:
 AM2074

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 28-105, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 28-105. (1) For purposes of the Nebraska Criminal Code
- 6 and any statute passed by the Legislature after the date of passage
- 7 of the code, felonies are divided into nine classes which are
- 8 distinguished from one another by the following penalties which are
- 9 authorized upon conviction:
- 10 Class I felony Death
- 11 Class IA felony Life imprisonment without possibility of
- 12 parole

- 13 Class IB felony Maximum-life
 14 imprisonment
 15 Minimum-twenty years imprisonment
 16 Class IC felony Maximum-fifty years imprisonment
 17 Mandatory minimum-five years imprisonment
 18 Class ID felony Maximum-fifty years imprisonment
 19 Mandatory minimum-three years imprisonment
 20 Class II felony Maximum-fifty years imprisonment
 21 Minimum-one year imprisonment
 22 Class III felony Maximum-twenty years imprisonment, or
 23 twenty-five thousand dollars fine, or both
 24 Minimum-one year imprisonment
 1 Class IIIA felony ... Maximum-five years imprisonment, or
 2 ten thousand dollars fine, or both
 3 Minimum-none
 4 Class IV felony Maximum-five years imprisonment, or ten
 5 thousand dollars fine, or both
 6 Minimum-none
 7 (2) All sentences of imprisonment for Class IA, IB, IC,
 8 ID, II, and III felonies and sentences of one year or more for
 9 Class IIIA and IV felonies shall be served in institutions under
 10 the jurisdiction of the Department of Correctional Services.
 11 Sentences of less than one year shall be served in the county jail
 12 except as provided in this subsection. If the department certifies
 13 that it has programs and facilities available for persons sentenced
 14 to terms of less than one year, the court may order that any
 15 sentence of six months or more be served in any institution under
 16 the jurisdiction of the department. Any such certification shall
 17 be given by the department to the State Court Administrator, who
 18 shall forward copies thereof to each judge having jurisdiction to
 19 sentence in felony cases.
 20 (3) Nothing in this section shall limit the authority
 21 granted in sections 29-2221 and 29-2222 to increase sentences for
 22 habitual criminals.
 23 (4) A person convicted of a felony for which a mandatory
 24 minimum sentence is prescribed shall not be eligible for probation.
 25 Sec. 2. Section 28-303, Reissue Revised Statutes of
 26 Nebraska, is amended to read:
 27 28-303. A person commits murder in the first degree if
 1 he kills another person (1) purposely and with deliberate and
 2 premeditated malice, or (2) in the perpetration of or attempt to
 3 perpetrate any sexual assault in the first degree, arson, robbery,
 4 kidnapping, hijacking of any public or private means of
 5 transportation, ~~or burglary, false imprisonment in the first~~
 6 degree, or sexual assault of a child or felony child abuse
 7 committed knowingly and intentionally, or (3) by administering
 8 poison or causing the same to be done; or if by willful and corrupt
 9 perjury or subornation of the same he ~~or she~~ purposely procures the
 10 conviction and execution of any innocent person. The determination

11 of whether murder in the first degree under subdivision (1) or (3)
12 of this section shall be punished as a Class I or Class IA felony
13 shall be made pursuant to sections 29-2520 to 29-2524. Murder in
14 the first degree under subdivision (2) of this section is a Class
15 IA felony.

16 Sec. 3. Section 28-707, Revised Statutes Supplement,
17 1998, is amended to read:

18 28-707. (1) A person commits child abuse if he or she
19 knowingly, intentionally, or negligently causes or permits a minor
20 child to be:

21 (a) Placed in a situation that endangers his or her life
22 or physical or mental health;

23 (b) Cruelly confined or cruelly punished;

24 (c) Deprived of necessary food, clothing, shelter, or
25 care;

26 (d) Placed in a situation to be sexually exploited by
27 allowing, encouraging, or forcing such minor child to solicit for
1 or engage in prostitution, debauchery, public indecency, or obscene
2 or pornographic photography, films, or depictions; or

3 (e) Placed in a situation to be sexually abused as
4 defined in section 28-319 or 28-320.01.

5 (2) The statutory privilege between patient and
6 physician, between client and professional counselor, and between
7 husband and wife shall not be available for excluding or refusing
8 testimony in any prosecution for a violation of this section.

9 (3) Child abuse is a Class I misdemeanor if the offense
10 is committed negligently.

11 (4) Child abuse is a Class IIIA felony if the offense is
12 committed knowingly and intentionally and does not result in
13 serious bodily injury as defined in section 28-109.

14 (5) Child abuse is a Class III felony if the offense is
15 committed knowingly and intentionally and results in serious bodily
16 injury as defined in such section.

17 ~~(6) Child abuse is a Class IB felony if the offense is~~
18 ~~committed knowingly and intentionally and results in the death of~~
19 ~~such child.~~

20 Sec. 4. Section 29-2519, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 29-2519. The Legislature hereby finds that it is
23 reasonable and necessary to establish mandatory standards for the
24 imposition of the sentence of death; that the imposition of the
25 death penalty in every instance of the commission of the crimes
26 specified in subdivisions (1) and (3) of section 28-303 fails to
27 allow for mitigating factors which may dictate against the penalty
1 of death; and that the rational imposition of the death sentence
2 requires the establishment of specific legislative guidelines to be
3 applied in individual cases by the court. The Legislature therefor
4 determines that the death penalty should be imposed only for the
5 crimes set forth in subdivisions (1) and (3) of section 28-303 and,

6 in addition, that it shall only be imposed in those instances when
7 the aggravating circumstances existing in connection with the crime
8 outweigh the mitigating circumstances, as set forth in sections
9 29-2520 to 29-2524.

10 Sec. 5. Section 29-2520, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 29-2520. Whenever any person is found guilty of a
13 violation of subdivision (1) or (3) of section 28-303, the district
14 court shall within seven days fix a date for hearing on
15 determination of the sentence to be imposed. Such determination
16 shall be made by: (1) The judge who presided at the trial or who
17 accepted the plea of guilty; (2) a panel of three judges including
18 the judge who presided or accepted the plea, the two additional
19 judges having been designated by the Chief Justice of the Supreme
20 Court after receiving a request therefor from the presiding judge;
21 or (3) a panel of three district judges named by the Chief Justice
22 of the Supreme Court when such Chief Justice has determined that
23 the presiding judge is disabled or disqualified after receiving a
24 suggestion of such disability or disqualification from the clerk of
25 the court in which the finding of guilty was entered.

26 Sec. 6. Section 29-2524, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 29-2524. Nothing in sections 25-1140.09, ~~28-303~~, 28-313,
2 and 29-2519 to 29-2546, and subdivisions (1) and (3) of section
3 28-303 shall be in any way deemed to repeal or limit existing
4 procedures for automatic review of capital cases, nor shall they in
5 any way limit the right of the Supreme Court to reduce a sentence
6 of death to a sentence of life imprisonment in accordance with the
7 provisions of section 29-2308, nor shall they limit the right of
8 the Board of Pardons to commute any sentence of death to a sentence
9 of life imprisonment.

10 Sec. 7. Original sections 28-303, 29-2519, 29-2520, and
11 29-2524, Reissue Revised Statutes of Nebraska, and sections 28-105
12 and 28-707, Revised Statutes Supplement, 1998, are repealed."

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1446. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to fees; to amend sections 25-529, 25-531, 33-109, 33-130, and 84-1227, Reissue Revised Statutes of Nebraska; to provide funding for technology purchases; to provide a fee; to establish a fund; to create an advisory committee; to create duties for the Secretary of State; to eliminate an indexing fee; to harmonize provisions; to repeal the original sections; and to outright repeal section 33-112, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1447. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to schools; to amend sections 10-704, 32-542, 32-1303, 79-234, 79-416, 79-422, 79-434, 79-449, 79-493, 79-494, 79-501, 79-502, 79-525, 79-554, 79-559, 79-570, 79-572, 79-580, 79-586, 79-587, 79-5107, 79-728, 79-828, 79-1072, 79-1074, 79-1075, 79-10100, 79-10114, 79-10120, and 79-1504, Reissue Revised Statutes of Nebraska, sections 77-27, 119, 79-102, 79-403, 79-415, 79-423, 79-437, 79-440, 79-473, 79-519, 79-526, 79-576, 79-581, 79-594, 79-759, 79-1023, 79-1030, 79-1098, 79-10101, 79-10103, 79-10111, 79-10117, 79-10118, 79-1108.02, and 79-1217, Revised Statutes Supplement, 1998, and sections 9-812, 13-508, 32-570, 32-1007, 48-303, 77-3444, 79-101, 79-203, 79-401, 79-413, 79-418, 79-419, 79-433, 79-443, 79-447, 79-452, 79-454, 79-455, 79-470, 79-479, 79-495, 79-499, 79-4108, 79-524, 79-528, 79-544, 79-569, 79-577, 79-578, 79-579, 79-588, 79-598, 79-605, 79-611, 79-758, 79-850, 79-960, 79-1003, 79-1005.01, 79-1024, 79-1026, 79-1027.01, 79-1028, 79-1029, 79-1036, 79-1045, 79-1072.01, 79-1089, 79-1090, 79-10110, 79-1310, and 79-1605, Revised Statutes Supplement, 1999; to eliminate Class I and Class VI school districts; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 10-716.01, 32-541, 32-546, 79-402, 79-404, 79-410, 79-417, 79-477, 79-4100, 79-4101, 79-4102, 79-4104, 79-523, 79-541, 79-542, 79-553, 79-563, 79-568, 79-585, 79-5108, 79-716, 79-717, 79-8110, 79-10123, and 79-10125, Reissue Revised Statutes of Nebraska, sections 79-406, 79-411, 79-4109, 79-4110, 79-4111, 79-548, 79-565, 79-1099, 79-10113, 79-10121, and 79-10122, Revised Statutes Supplement, 1998, and sections 79-424, 79-425, 79-426, 79-427, 79-431, 79-472, 79-478, 79-492, 79-4103, 79-540, 79-556, 79-557, 79-558, 79-1076, 79-1077, 79-1078, 79-1083.02, 79-1083.03, and 79-10124, Revised Statutes Supplement, 1999; and to declare an emergency.

VISITORS

Visitors to the Chamber were Senator Stuh's husband, Boyd, from Bradshaw; John Muller, Jay Upright, Mike Morrison, Myrv Christopherson, Fred Brown, Phil Dudley, Jennifer Braaten, Roger Koehler, Jeanie Watson, and Lowell Hagele, presidents and representatives of the Private Colleges and Universities of Nebraska; Marv Westcott from Holdrege; Michael Svoboda from Lincoln; students and sponsors from Omaha Catholic Home School; and Jack Kneifl from Lexington.

The Doctor of the Day was Dr. John Majerus from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, January 21, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 21, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 21, 2000

PRAYER

The prayer was offered by Reverend L. Owen Cervantes, Peru Community Church, Peru, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Crosby and Vrtiska who were excused; and Senators Coordsen, Dierks, Kiel, Landis, Lynch, Price, Robak, and Tyson 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 and resolutions:

LB/LR	Committee
LB 1113	Appropriations (rereferred)
LB 1293	Revenue
LB 1294	Revenue
LB 1295	Transportation and Telecommunications
LB 1296	Judiciary
LB 1297	Natural Resources
LB 1298	Health and Human Services
LB 1299	Health and Human Services
LB 1300	Health and Human Services
LB 1301	Urban Affairs
LB 1302	Revenue

LB 1303	Revenue
LB 1304	Government, Military and Veterans Affairs
LB 1305	Revenue
LB 1306	Urban Affairs
LB 1307	Revenue
LB 1308	Government, Military and Veterans Affairs
LB 1309	Business and Labor
LB 1310	Business and Labor
LB 1311	Business and Labor
LB 1312	Business and Labor
LB 1313	Government, Military and Veterans Affairs
LB 1314	Appropriations
LB 1315	Urban Affairs
LB 1316	Revenue
LB 1317	Transportation and Telecommunications
LB 1318	Banking, Commerce and Insurance
LB 1319	Government, Military and Veterans Affairs
LB 1320	Urban Affairs
LB 1321	Health and Human Services
LB 1322	Transportation and Telecommunications
LB 1323	Education
LB 1324	Education
LB 1325	Judiciary
LB 1326	Appropriations
LB 1327	Natural Resources
LB 1328	Education
LB 1329	Education
LB 1330	Revenue
LB 1331	Natural Resources
LB 1332	Transportation and Telecommunications
LB 1333	Transportation and Telecommunications
LB 1334	Education
LB 1335	Education
LB 1336	Education
LB 1337	Transportation and Telecommunications
LB 1338	Revenue
LB 1339	Revenue
LB 1340	Revenue
LB 1341	Banking, Commerce and Insurance
LB 1342	Business and Labor
LB 1343	Natural Resources
LB 1344	Judiciary
LB 1345	Revenue
LB 1346	General Affairs
LB 1347	Government, Military and Veterans Affairs
LB 1348	Agriculture
LB 1349	Appropriations
LB 1350	Natural Resources
LB 1351	Revenue

LB 1352 Health and Human Services
 LB 1353 Revenue
 LB 1354 Revenue
 LB 1355 Natural Resources
 LB 1356 Natural Resources
 LB 1357 Transportation and Telecommunications
 LB 1358 Revenue

LR 298 Government, Military and Veterans Affairs
 LR 299 Revenue

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING Judiciary

LB 972 Friday, January 28, 2000 1:30 p.m.
 LB 1296 Friday, January 28, 2000 1:30 p.m.

Friday, January 28, 2000 1:30 p.m.
 Proposal designating the Nebraska State Treasurer's Office as the vendor to operate the State Disbursement Unit for receiving the disbursing child support payments, as provided in LB 637, 1999.

(Signed) Kermit A. Brashear, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 20, 2000, 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

Blank, Robert – Omaha; Metro Right to Life
 Brinkman, Jennifer – Lincoln; City of Lincoln
 Hamer, Patti – Elkhorn; League of Women Voters of Nebraska
 Peters, William E. – Lincoln; Nebraska State Buffalo Association
 Rodenburg, Susan Larson – Lincoln; Kissel/E&S Associates, L.L.C.
 Schmidt, Tom – St. Paul; Pfizer Inc.
 Setzpfandt, Scott – Lakeville; HLR Service Corporation
 Withem, Ron – Lincoln; University of Nebraska

GENERAL FILE

LEGISLATIVE BILL 182. Considered.

The Standing Committee amendment, AM0671, found on page 855, First Session, 1999, was considered.

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

AM2085

(Amendments to Standing Committee amendments, AM0671)

- 1 1. Strike section 5.
- 2 2. On page 3, line 14, after the period insert "In a
3 school district with multiple public high schools, the school board
4 may adopt separate publication codes for each public high school
5 within the district or may delegate, to one or more of the
6 principals or administrators of the district's public high schools,
7 the authority to adopt a separate publication code for the high
8 school of which he or she is the principal or administrator."; in
9 line 19 after the period insert "Unless otherwise specified in the
10 publications code, the school administrator or his or her designee
11 shall have the authority to verify compliance with the publications
12 code prior to the publication or distribution of any
13 school-sponsored student publication."; and in line 24 after the
14 period insert "The school administrator or his or her designee
15 shall have the authority to verify compliance with the terms of the
16 Student Freedom of Expression Act prior to the publication or
17 distribution of any school-sponsored student publication.".
- 18 3. Renumber the remaining sections and correct internal
19 references accordingly.

Senator Stuhr requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Standing Committee amendment, is as follows:

FA268

(Amendments to Standing Committee amendments, AM0671)

- 1 1. Strike section 5.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Beutler amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

The second Beutler amendment, to the Standing Committee amendment, is as follows:

FA269

(Amendments to Standing Committee amendments, AM0671)

- 2 2. On page 3, line 14, after the period insert "In a

3 school district with multiple public high schools, the school board
 4 may adopt separate publication codes for each public high school
 5 within the district or may delegate, to one or more of the
 6 principals or administrators of the district's public high schools,
 7 the authority to adopt a separate publication code for the high
 8 school of which he or she is the principal or administrator."; in
 9 line 19 after the period insert "Unless otherwise specified in the
 10 publications code, the school administrator or his or her designee
 11 shall have the authority to verify compliance with the publications
 12 code prior to the publication or distribution of any
 13 school-sponsored student publication."; and in line 24 after the
 14 period insert "The school administrator or his or her designee
 15 shall have the authority to verify compliance with the terms of the
 16 Student Freedom of Expression Act prior to the publication or
 17 distribution of any school-sponsored student publication."
 18 3. Renumber the remaining sections and correct internal
 19 references accordingly.

The second Beutler amendment was adopted with 26 ayes, 0 nays, 20
 present and not voting, and 3 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.

Failed to advance to E & R for review with 17 ayes, 23 nays, 6 present and
 not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 924	Friday, January 28, 2000	1:30 p.m.
LB 948	Friday, January 28, 2000	1:30 p.m.
LB 962	Friday, January 28, 2000	1:30 p.m.
LB 1082	Friday, January 28, 2000	1:30 p.m.
LB 1099	Friday, January 28, 2000	1:30 p.m.
LB 1109	Friday, January 28, 2000	1:30 p.m.
LB 1270	Friday, January 28, 2000	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

Transportation and Telecommunications

Monday, January 31, 2000	1:15 p.m.
Motor Vehicles, Director Beverly Neth	

LB 1004	Monday, January 31, 2000	1:15 p.m.
LB 1026	Monday, January 31, 2000	1:15 p.m.
LB 1089	Monday, January 31, 2000	1:15 p.m.

LB 1186	Monday, January 31, 2000	1:15 p.m.
LB 1218	Monday, January 31, 2000	1:15 p.m.
LB 1287	Monday, January 31, 2000	1:15 p.m.
LB 1050	Tuesday, February 1, 2000	1:30 p.m.
LB 1080	Tuesday, February 1, 2000	1:30 p.m.
LB 1097	Tuesday, February 1, 2000	1:30 p.m.
LB 1240	Tuesday, February 1, 2000	1:30 p.m.
LB 1285	Tuesday, February 1, 2000	1:30 p.m.

(Signed) Curt Bromm, Chairperson

Agriculture

LB 1092	Tuesday, February 1, 2000	1:30 p.m.
LB 1079	Tuesday, February 1, 2000	1:30 p.m.
LB 1009	Tuesday, February 1, 2000	1:30 p.m.
LB 1052	Tuesday, February 1, 2000	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

REPORTS

The following reports were received by the Legislature:

Legislative Child Support Commission

Report submitted to the Nebraska Supreme Court and the Executive Board of the Legislative Council

Health and Human Services System

407 Review of the Nebraska Oriental Medicine Association's Proposal to License the Practice of Acupuncture

New Hire Report to the Legislature

Number of licenses suspended under the License Suspension Act, Neb. Rev. Stat. Sec. 43-3301 to 43-3326 Annual Report

Legislative Research Division

Boards and Commissions in Nebraska, 1999 Report

STANDING COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 970. Placed on General File.

LEGISLATIVE BILL 188. Placed on General File as amended.

(Standing Committee amendment, AM1985, 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 969. Placed on General File as amended.
Standing Committee amendment to LB 969:
AM2053

- 1 1. Insert the following new section:
- 2 "Sec. 8. This act becomes operative on January 1,
- 3 2001."
- 4 2. Renumber the remaining section accordingly.

(Signed) Curt Bromm, Chairperson

Revenue

LEGISLATIVE BILL 942. Placed on General File.
LEGISLATIVE BILL 944. Placed on General File.
LEGISLATIVE BILL 1066. Placed on General File.

(Signed) William R. Wickersham, Chairperson

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.

Beginning Farmer Board
Roy Frederick
Harry Knobbe
Dale Pohlmann
Gerald Timmerman
Bill Zutavern

VOTE: Aye: Senators Chambers, Cudaback, Dickey, Dierks, Hilgert, Janssen, and Schrock. Nay: None. Absent: Senator Vrtiska.

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENTS

The Urban Affairs Committee designates LB 1258 as its priority bill.

Senator Preister designates LB 717 as his priority bill.

Senator Engel designates LB 1004 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 482. Title read. Considered.

The Standing Committee amendment, AM0506, found on page 717, First

Session, 1999, was considered.

Senator Matzke withdrew his amendment, AM0620, found on page 821, First Session, 1999.

Senator Matzke renewed his pending amendment, AM2059, found on page 360, to the Standing Committee amendment.

The Matzke amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 1178	Monday, January 31, 2000	1:30 p.m.
LB 1208	Monday, January 31, 2000	1:30 p.m.
LB 1209	Monday, January 31, 2000	1:30 p.m.
LB 1256	Monday, January 31, 2000	1:30 p.m.
LB 954	Tuesday, February 1, 2000	1:30 p.m.
LB 1038	Tuesday, February 1, 2000	1:30 p.m.
LB 1121	Tuesday, February 1, 2000	1:30 p.m.
LB 1181	Tuesday, February 1, 2000	1:30 p.m.

(Signed) David M. Landis, Chairperson

ANNOUNCEMENT

The Revenue Committee designates LB 968 as its priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 6CA. Placed on Select File as amended.
E & R amendment to LR 6CA:

AM7164

- 1 1. On page 1, line 2, strike "FIRST" and insert
- 2 "SECOND".

LEGISLATIVE BILL 534. Placed on Select File as amended.
E & R amendment to LB 534:

AM7165

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 49-501.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 49-501.01. The session laws and journal of the
6 Legislature shall be compiled and published by the Clerk of the
7 Legislature after each regular session of the Legislature. The
8 session laws and journal may be published in print or electronic
9 format or in both formats. The session laws in suitably bound
10 volumes. Said publication shall contain all the laws passed by the
11 preceding session as well as those passed during any special
12 session since the last regular session. The clerk shall distribute
13 two copies of the session laws and journal to each person who was a
14 member of the Legislature by which the laws were enacted. The
15 clerk shall provide the session laws and journals to the Secretary
16 of State for distribution pursuant to sections 49-501 to 49-509.01.
17 The session laws shall be assembled so as to make possible their
18 earliest publication.
- 19 Sec. 2. Section 49-503, Reissue Revised Statutes of
20 Nebraska, is amended to read:
21 49-503. The county clerk of each county shall make a
22 requisition upon the Secretary of State for copies of the session
23 laws and the journal of the Legislature for the use of the county
24 of which he or she is clerk. The county clerk shall make the
1 requisition for session laws based on the classification of the
2 county by population as provided in section 23-1114.01. A Class 1
3 county may request a maximum of three sets, a Class 2 county may
4 request a maximum of five sets, a Class 3 county may request a
5 maximum of seven sets, a Class 4 county may request a maximum of
6 ten sets, a Class 5 county may request a maximum of twelve sets, a
7 Class 6 county may request a maximum of twenty sets, and a Class 7
8 county may request a maximum of twenty-five sets. The county clerk
9 shall make a requisition for less than the maximum amount
10 authorized if he or she finds that a lesser amount is sufficient
11 for the needs of the county. The county clerk shall make a
12 requisition for one copy of the journal of the Legislature. The
13 Secretary of State shall forward the session laws and journal to
14 each county by the most expeditious and economic means and in print
15 or electronic format as he or she determines, upon recommendation
16 by the Clerk of the Legislature and approval of the Executive Board
17 of the Legislative Council.
- 18 Sec. 3. Section 49-506, Revised Statutes Supplement,
19 1999, is amended to read:
20 49-506. After the Secretary of State has made the
21 distribution provided by section 49-503, he or she shall deliver
22 additional copies of the session laws and the journal of the
23 Legislature pursuant to this section in print or electronic format
24 as he or she determines, upon recommendation by the Clerk of the

25 Legislature and approval of the Executive Board of the Legislative
 26 Council.

27 One copy of the session laws shall be delivered to the
 1 Lieutenant Governor, the State Treasurer, the Auditor of Public
 2 Accounts, the Reporter of the Supreme Court and Court of Appeals,
 3 the State Court Administrator, the State Fire Marshal, the
 4 Department of Administrative Services, the Department of
 5 Aeronautics, the Department of Agriculture, the Department of
 6 Banking and Finance, the State Department of Education, the
 7 Department of Environmental Quality, the Department of Insurance,
 8 the Department of Labor, the Department of Motor Vehicles, the
 9 Department of Property Assessment and Taxation, the Department of
 10 Revenue, the Department of Roads, the Department of Veterans'
 11 Affairs, the Department of Water Resources, the Military
 12 Department, the Nebraska State Patrol, the Nebraska Commission on
 13 Law Enforcement and Criminal Justice, each of the Nebraska state
 14 colleges, the Game and Parks Commission, the Nebraska Library
 15 Commission, the Nebraska Liquor Control Commission, the Nebraska
 16 Natural Resources Commission, the Nebraska Accountability and
 17 Disclosure Commission, the Public Service Commission, the State
 18 Real Estate Commission, the Nebraska State Historical Society, the
 19 Public Employees Retirement Board, the Risk Manager, the
 20 Legislative Fiscal Analyst, the Public Counsel, the materiel
 21 division of the Department of Administrative Services, the State
 22 Records Administrator, the budget division of the Department of
 23 Administrative Services, the Department of Health and Human
 24 Services, the Department of Health and Human Services Regulation
 25 and Licensure, the Department of Health and Human Services Finance
 26 and Support, the Tax Equalization and Review Commission, the inmate
 27 library at all state penal and correctional institutions, and the
 1 Library of Congress; two copies to the Governor, the Secretary of
 2 State, the Nebraska Workers' Compensation Court, the Commission of
 3 Industrial Relations, and the Coordinating Commission for
 4 Postsecondary Education, one of which shall be for use by the
 5 community colleges; four copies to the Nebraska Publications
 6 Clearinghouse; five copies to the Attorney General; ~~eight copies to~~
 7 ~~the Clerk of the Legislature~~; nine copies to the Revisor of
 8 Statutes; sixteen copies to the Supreme Court and the Legislative
 9 Council; and thirty-five copies to the University of Nebraska
 10 College of Law.

11 One copy of the journal of the Legislature shall be
 12 delivered to the Governor, the Lieutenant Governor, the State
 13 Treasurer, the Auditor of Public Accounts, the Reporter of the
 14 Supreme Court and Court of Appeals, the State Court Administrator,
 15 the Nebraska State Historical Society, the Legislative Fiscal
 16 Analyst, the Tax Equalization and Review Commission, and the
 17 Library of Congress; two copies to the Secretary of State, the
 18 Commission of Industrial Relations, and the Nebraska Workers'
 19 Compensation Court; four copies to the Nebraska Publications

20 Clearinghouse; five copies to the Attorney General and the Revisor
21 of Statutes; eight copies to the Clerk of the Legislature; thirteen
22 copies to the Supreme Court and the Legislative Council; and
23 thirty-five copies to the University of Nebraska College of Law.
24 The remaining copies shall be delivered to the State Librarian who
25 shall use the same, so far as required for exchange purposes, in
26 building up the State Library and in the manner specified in
27 sections 49-507 to 49-509.

1 Sec. 4. Section 49-507, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-507. The State Librarian or his or her designee shall
4 issue one copy each of the session laws and journals to the United
5 States District Attorney, United States Marshal, the register and
6 receiver of the United States land offices in the state, and to
7 each United States Commissioner residing in the state. The State
8 Librarian shall determine whether the copies issued are in print or
9 a reasonably available electronic format, upon recommendation by
10 the Clerk of the Legislature and approval of the Executive Board of
11 the Legislative Council.

12 Sec. 5. Section 49-509, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 49-509. Any remaining copies of the session laws and
15 journals in the hands of the State Librarian shall be sold by the
16 Supreme Court at a price of fifteen dollars for bound print copies
17 of the session laws and forty dollars for bound print copies of the
18 journal, except that after two years have elapsed from the date of
19 publication, the court may sell any bound print copies of the
20 session laws and journals at a price of twenty-five cents per
21 volume. Any remaining copies of the session laws and journals in
22 electronic format shall be sold by the Supreme Court at a price not
23 to exceed the amount necessary to recover the cost of production,
24 upon recommendation by the Clerk of the Legislature and approval of
25 the Executive Board of the Legislative Council.

26 The proceeds shall be ~~turned into~~ remitted to the General
27 Fund, ~~of the state treasury~~. When there is no longer a demand for
1 session laws and journals over two years old, the Supreme Court may
2 dispose of such session laws and journals in such manner as it
3 deems proper.

4 Sec. 6. Section 49-509.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 49-509.01. The Clerk of the Legislature is hereby
7 authorized and directed to sell unbound print copies of the session
8 laws and unbound print copies of the daily journal of each
9 legislative session at such price as shall be prescribed by the
10 Executive Board of the Legislative Council, which price shall not
11 exceed the amount necessary to recover costs. For the unbound
12 print journal and laws of a special session, when published
13 separately from that of a regular session, the price shall be as
14 recommended by the Clerk of the Legislature and approved by the

15 Executive Board of the Legislative Council.

16 Sec. 7. Section 84-1205.02, Reissue Revised Statutes of

17 Nebraska, is amended to read:

18 84-1205.02. (1) Until July 1, 2001, except as provided

19 in sections 49-509, 52-1316, and 60-483 and section 9-411, Uniform

20 Commercial Code, the board may establish reasonable fees for

21 electronic access to public records through the gateway.

22 (2) Beginning on July 1, 2001, except ~~Except~~ as provided

23 in sections 49-509, 52-1316, and 60-483 and article 9, Uniform

24 Commercial Code, the board may establish reasonable fees for

25 electronic access to public records through the gateway.

26 (3) The fees shall not exceed the statutory fee for

27 distribution of the public records in other forms. Any fee

1 established by the board under this section may be collected for an

2 eighteen-month period and shall terminate at the end of such period

3 unless enacted by the Legislature. Any fees collected under this

4 section shall be deposited in the Records Management Cash Fund.

5 Sec. 8. Section 85-177, Reissue Revised Statutes of

6 Nebraska, is amended to read:

7 85-177. In order to enable the library of the College of

8 Law to augment its collections, the librarian of the College of Law

9 of the University of Nebraska is authorized to requisition from the

10 respective officer having custody thereof up to one hundred copies

11 of the following state publications: Nebraska Reports, Nebraska

12 Appellate Reports, Legislative Journals, Session Laws, replacement

13 volumes and supplements to the Revised Statutes, and Opinions of

14 the Attorney General. The copies of the Legislative Journals and

15 Session Laws may be provided in print or electronic format as the

16 Secretary of State determines, upon recommendation by the Clerk of

17 the Legislature and approval of the Executive Board of the

18 Legislative Council.

19 Sec. 9. Original sections 49-501.01, 49-503, 49-507,

20 49-509, 49-509.01, 84-1205.02, and 85-177, Reissue Revised Statutes

21 of Nebraska, and section 49-506, Revised Statutes Supplement, 1999,

22 are repealed.

23 Sec. 10. The following section is outright repealed:

24 Section 49-508.01, Reissue Revised Statutes of Nebraska.

25 Sec. 11. Since an emergency exists, this act takes

26 effect when passed and approved according to law."

27 2. On page 1, strike beginning with "49-506" in line 2

1 through "change" in line 5 and insert "49-507, 49-509, 49-509.01,

2 84-1205.02, and 85-177, Reissue Revised Statutes of Nebraska, and

3 section 49-506, Revised Statutes Supplement, 1999; to change and

4 eliminate"; and in line 8 after the semicolon insert "to outright

5 repeal section 49-508.01, Reissue Revised Statutes of Nebraska;".

LEGISLATIVE BILL 523. Placed on Select File as amended.

E & R amendment to LB 523:

AM7171

- 1 1. On page 1, strike beginning with "71-1,132.05" in
 2 line 1 through "Nebraska" in line 2 and insert "71-1,132.01,
 3 71-1,132.05, 71-1,132.17, and 71-1,132.31, Reissue Revised Statutes
 4 of Nebraska, and section 71-1,132.11, Revised Statutes Supplement,
 5 1999"; in line 3 after the second semicolon insert "to change
 6 powers and duties of the Board of Nursing; to change provisions
 7 relating to the use of certain titles;"; and in line 4 after the
 8 semicolon insert "to harmonize provisions;".
 9 2. On page 4, line 20, strike "party's" and insert
 10 "party state's".
 11 3. On page 14, line 23, strike "practice" and insert
 12 "licensure".

LEGISLATIVE BILL 410. Placed on Select File as amended.

E & R amendment to LB 410:

AM7170

- 1 1. On page 1, line 3, after "Nebraska" insert ", and
 2 section 71-1907, Revised Statutes Supplement, 1998"; and in line 4
 3 strike "restraints" and insert "restraint and occupant protection
 4 systems".

LEGISLATIVE BILL 153. Placed on Select File as amended.

E & R amendment to LB 153:

AM7168

- 1 1. In the Thompson amendment, AM1952, on page 1, line 2,
 2 after "2000" insert a comma.

LEGISLATIVE BILL 153A. Placed on Select File as amended.

E & R amendment to LB 153A:

AM7169

- 1 1. On page 1, line 3; and page 2, lines 4 and 5, strike
 2 "First Session, 1999" and insert "Second Session, 2000".
 3 2. On page 2, line 2, strike "FY1999-00" and insert
 4 "FY2000-01".

LEGISLATIVE BILL 288. Placed on Select File as amended.

E & R amendment to LB 288:

AM7166

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 83-4,143, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 83-4,143. (1) It is the intent of the Legislature that
 6 the court target the felony offender (a) who is experiencing his or
 7 her first prison sentence, (b) for whom the court finds that other
 8 conditions of a sentence of probation, in and of themselves, are
 9 not suitable, and (c) who, without the existence of an
 10 incarceration work camp, would, in all likelihood, be sentenced to
 11 prison. It is the further intent of the Legislature that prior

12 offenders who were incarcerated for minor nonviolent offenses are
 13 not automatically ineligible to be placed in an incarceration work
 14 camp as a condition of a sentence of probation.

15 (2) When the court is of the opinion that imprisonment is
 16 appropriate, but that a brief and intensive period of incarceration
 17 may better serve the interests of society, the court may place an
 18 offender in an incarceration work camp for a period not to exceed
 19 one hundred eighty days as a condition of a sentence of probation.
 20 The court may consider such placement if the offender (a) is a male
 21 or female offender who is convicted as an adult, (b) is ~~determined~~
 22 ~~to be~~ medically and mentally fit to participate, with allowances
 23 given for reasonable accommodation as determined by medical and
 24 mental health professionals, (c) has not previously been

1 incarcerated for a violent felony crime, and (d) has not
 2 demonstrated chronic violent behavior. Offenders convicted of a
 3 crime under sections 28-319 to 28-321 or of any capital crime are
 4 not eligible to be placed in an incarceration work camp.

5 Sec. 2. Original section 83-4,143, Reissue Revised
 6 Statutes of Nebraska, is repealed."

7 2. On page 1, strike lines 2 through 4 and insert
 8 "83-4,143, Reissue Revised Statutes of Nebraska; to change
 9 provisions relating to placement of offenders; and to repeal the
 10 original section."

LEGISLATIVE BILL 582. Placed on Select File as amended.

E & R amendment to LB 582:

AM7167

1 1. On page 1, line 3, after "measures" insert "and
 2 personnel issues".

Correctly Engrossed

The following bills were correctly engrossed: LBs 884, 885, 886, 887, 888,
 889, 890, 891, 892, 893, and 894.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 151. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not
 voting, and 2 excused and not voting.

LEGISLATIVE BILL 509. Title read. Considered.

Senator Brashear renewed his pending amendment, AM2074, found on page
 364.

Pending.

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

LEGISLATIVE BILL 935. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

**NOTICE OF COMMITTEE HEARING
Business and Labor**

Monday, January 31, 2000 1:30 p.m.
Commission of Industrial Relations
William Blake
G. Pete Burger

LB 1269 Monday, January 31, 2000 1:30 p.m.
LB 1309 Monday, January 31, 2000 1:30 p.m.
LB 1221 Monday, January 31, 2000 1:30 p.m.
LB 1257 Monday, January 31, 2000 1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 509:
AM2084

(Amendments to AM2074)

1 1. Insert the following new sections:
2 "Section 1. Section 28-101, Revised Statutes Supplement,
3 1999, is amended to read:
4 28-101. Sections 28-101 to 28-1348 and section 9 of this
5 act shall be known and may be cited as the Nebraska Criminal Code.
6 Sec. 5. Section 29-2204.01, Reissue Revised Statutes of
7 Nebraska, is amended to read:
8 29-2204.01. (1) In any criminal proceeding in which a
9 sentence of confinement has been imposed and the particular law
10 under which such sentence was pronounced is thereafter amended to
11 decrease the maximum period of confinement which may be imposed,
12 then any person sentenced under the former law shall be entitled to
13 his or her discharge from custody when he or she has served the
14 maximum period of confinement authorized by the new law,
15 notwithstanding the fact that the court may have ordered a longer
16 period of confinement under the authority of the former law.
17 (2) Subsection (1) of this section does not apply to
18 criminal proceedings in which a sentence of death has been imposed.
19 The punishment for a prohibited act subject to a penalty of death
20 that is committed (a) on or after the effective date of an

- 21 amendatory act that mitigates the punishment for such prohibited
 22 act but (b) prior to the entry of a final judgment against a
 23 defendant convicted of committing such prohibited act shall not be
 1 reduced to the punishment provided in the amendatory act but shall
 2 remain subject to the punishment in effect at the time of
 3 commission of the prohibited act.
 4 Sec. 9. The changes to the Nebraska Criminal Code
 5 adopted by this legislative bill shall not apply to any offense
 6 committed prior to the effective date of this act. Such an offense
 7 shall be construed and punished according to the provisions of law
 8 existing at the time of the commission thereof in the same manner
 9 as if this act had not been enacted."
- 10 2. On page 6, line 10, after the first comma insert
 11 "29-2204.01, "; in line 11 strike "and"; and in line 12 after the
 12 third comma insert "and section 28-101, Revised Statutes
 13 Supplement, 1999,".
 14 3. Renumber the remaining sections accordingly.

WITHDRAW - Cointroducer

Senator Kristensen withdrew his name as cointroducer to LB 1269.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to have her name added as cointroducer to LB 950, LB 1274, and LB 1335. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 1276 and LB 1393. No objections. So ordered.

Senators Schimek, Connealy, and Hartnett asked unanimous consent to have their names added as cointroducers to LB 1410. No objections. So ordered.

Senator Cudaback asked unanimous consent to have his name added as cointroducer to LB 1421. No objections. So ordered.

Senator D. Pederson asked unanimous consent to have his name added as cointroducer to LB 1248. No objections. So ordered.

Senator Suttle asked unanimous consent to have her name added as cointroducer to LB 922. No objections. So ordered.

VISITORS

Visitors to the Chamber were Rose, Anastasia, Matthias, and Kristin Cervantes from Peru; Representative Doug Bereuter from the First District; 38 Dental Hygienists from across the state; 84 members and parents from the Homestead Girl Scout Council, Lincoln; Sloan Matzke from Seward; and Bill and Laura Silk from Omaha.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Monday, January 24, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 24, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 24, 2000

PRAYER

The prayer was offered by Pastor Joe Bockerman, Auburn Berean Church, Auburn, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Kristensen who was excused; and Senators Bohlke, Kiel, Landis, Price, Robak, Schimek, Schmitt, and Schrock who were excused until they arrive.

PRESIDENT MAURSTAD PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REFERENCE COMMITTEE REPORT

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

LB/LR	Committee
LB 1313	Urban Affairs (rereferred)
LB 1359	Natural Resources
LB 1360	Natural Resources
LB 1361	Transportation and Telecommunications
LB 1362	Transportation and Telecommunications
LB 1363	Business and Labor
LB 1364	Education
LB 1365	Government, Military and Veterans Affairs
LB 1366	Health and Human Services

LB 1367	Urban Affairs
LB 1368	Revenue
LB 1369	Appropriations
LB 1370	Urban Affairs
LB 1371	Urban Affairs
LB 1372	Revenue
LB 1373	Transportation and Telecommunications
LB 1374	Revenue
LB 1375	Transportation and Telecommunications
LB 1376	Revenue
LB 1377	Natural Resources
LB 1378	Urban Affairs
LB 1379	Education
LB 1380	Judiciary
LB 1381	Natural Resources
LB 1382	Agriculture
LB 1383	Judiciary
LB 1384	Business and Labor
LB 1385	Education
LB 1386	Judiciary
LB 1387	Banking, Commerce and Insurance
LB 1388	Health and Human Services
LB 1389	Banking, Commerce and Insurance
LB 1390	Judiciary
LB 1391	Judiciary
LB 1392	Government, Military and Veterans Affairs
LB 1393	Natural Resources
LB 1394	Natural Resources
LB 1395	Natural Resources
LB 1396	Appropriations
LB 1397	Education
LB 1398	Revenue
LB 1399	Education
LB 1400	Education
LB 1401	Education
LB 1402	Banking, Commerce and Insurance
LB 1403	Education
LB 1404	Transportation and Telecommunications
LB 1405	Judiciary
LB 1406	Education
LB 1407	Health and Human Services
LB 1408	Health and Human Services
LB 1409	Transportation and Telecommunications
LB 1410	Government, Military and Veterans Affairs
LB 1411	Revenue
LB 1412	Revenue
LB 1413	Judiciary
LB 1414	Revenue
LB 1415	Government, Military and Veterans Affairs

LB 1416 Banking, Commerce and Insurance
LB 1417 Health and Human Services
LB 1418 Revenue
LB 1419 Transportation and Telecommunications
LB 1420 Transportation and Telecommunications
LB 1421 Transportation and Telecommunications
LB 1422 Judiciary
LB 1423 General Affairs
LB 1424 Business and Labor
LB 1425 Appropriations
LB 1426 Natural Resources
LB 1427 Health and Human Services
LB 1428 Revenue
LB 1429 Revenue
LB 1430 Revenue
LB 1431 Transportation and Telecommunications
LB 1432 Agriculture
LB 1433 Education
LB 1434 Natural Resources
LB 1435 Judiciary
LB 1436 Education
LB 1437 Banking, Commerce and Insurance
LB 1438 Revenue
LB 1439 Education
LB 1440 Banking, Commerce and Insurance
LB 1441 Education
LB 1442 Banking, Commerce and Insurance
LB 1443 Business and Labor
LB 1444 Revenue
LB 1445 Transportation and Telecommunications
LB 1446 Transportation and Telecommunications
LB 1447 Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Senator Tyson designates LB 1425 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 509. Senator Brashear renewed his pending amendment, AM2084, found on page 383, to his pending amendment, AM2074, found on page 364 and considered on page 382.

Senators Beutler and Dierks asked unanimous consent to be excused until their return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Raikes asked unanimous consent to be excused. No objections. So ordered.

Senator Bruning requested a record vote on the Brashear amendment, AM2084.

Voting in the affirmative, 25:

Beutler	Bohlke	Bourne	Brashear	Bromm
Brown	Byars	Chambers	Connealy	Crosby
Dierks	Engel	Hilgert	Lynch	Pedersen, Dw.
Preister	Price	Redfield	Robak	Schimek
Smith	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 10:

Aguilar	Baker	Bruning	Hartnett	Hudkins
Jensen	Jones	Matzke	Quandahl	Tyson

Present and not voting, 10:

Coordsen	Cudaback	Dickey	Janssen	Kremer
Pederson, D.	Schmitt	Schrock	Stuhr	Vrtiska

Excused and not voting, 4:

Kiel	Kristensen	Landis	Raikes
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The Brashear amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
General Affairs

Monday, January 31, 2000
Nebraska Arts Council
Meredith Zutavern

1:30 p.m.

(Signed) Ray Janssen, Chairperson

Education

LB 1272	Monday, January 31, 2000	1:30 p.m.
LB 1328	Monday, January 31, 2000	1:30 p.m.
LB 1323	Monday, January 31, 2000	7:00 p.m.
LB 1397	Monday, January 31, 2000	7:00 p.m.

LB 1399	Monday, January 31, 2000	7:00 p.m.
LB 1400	Monday, January 31, 2000	7:00 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 743. Placed on General File as amended.
 Standing Committee amendment to LB 743:

AM1975

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 23-2307, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 23-2307. Each employee who is a member of the retirement
 6 system shall pay to the county or have picked up by the county a
 7 sum equal to four and one-half percent of his or her compensation
 8 for each pay period. The county shall pick up the employee
 9 contributions required by this section for all compensation paid on
 10 or after January 1, 1985, and the contributions so picked up shall
 11 be treated as employer contributions in determining federal tax
 12 treatment under the Internal Revenue Code, except that the county
 13 shall continue to withhold federal income taxes based upon these
 14 contributions until the Internal Revenue Service or the federal
 15 courts rule that, pursuant to section 414(h) of the Internal
 16 Revenue Code, these contributions shall not be included as gross
 17 income of the employee until such time as they are distributed or
 18 made available. The county shall pay these employee contributions
 19 from the same source of funds which is used in paying earnings to
 20 the employee. The county shall pick up these contributions by a
 21 compensation deduction either through a reduction in the cash
 22 compensation of the employee or a combination of a reduction in
 23 compensation and offset against a future compensation increase.
 24 Employee contributions picked up shall be treated for all purposes
 1 of the County Employees Retirement Act in the same manner and to
 2 the extent as employee contributions made prior to the date picked
 3 up.
 4 Sec. 2. This act becomes operative on January 1, 2001.
 5 Sec. 3. Original section 23-2307, Reissue Revised
 6 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 831. Indefinitely postponed.

(Signed) Elaine R. Stuhr, Chairperson

Natural Resources

LEGISLATIVE BILL 900. Placed on General File as amended.

Standing Committee amendment to LB 900:

AM2082

1 1. Strike original sections 134 and 175 and insert the
2 following new sections:

3 "Sec. 103. Section 46-231, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 46-231. Each appropriation shall be determined in its
6 priority and amount by the time at which it is made and the amount
7 of water which the works are constructed to carry. An appropriator
8 shall at no time be entitled to the use of more than he or she can
9 beneficially use for the purposes for which the appropriation has
10 been made, and the amount of any appropriation made by means of
11 enlargement of the distributing works shall be determined in like
12 manner.

13 An ~~No~~ allotment from the natural flow of streams for
14 irrigation shall not exceed one cubic foot per second of time for
15 each seventy acres of land ~~nor~~ and shall not exceed three acre-feet
16 in the aggregate during one calendar year for each acre of land for
17 which such appropriation ~~shall have~~ has been made, and ~~no~~ an
18 allotment shall not exceed the least amount of water that
19 experience may indicate is necessary, in the exercise of good
20 husbandry, for the production of crops. Such limitations ~~shall do~~
21 not apply to storage waters or to water appropriations transferred
22 pursuant to sections 46-2,122 to 46-2,125 and 46-2,127 to 46-2,129.
23 When storage water is being used in addition to the
24 natural flow, the person in charge of the ditch or canal shall,

1 upon his or her request and within twenty-four hours thereof, be
2 notified in writing by the user of such storage waters of the time
3 of withdrawal from natural streams to be distributed according to
4 law.

5 When an appropriation is for irrigation purposes and the
6 amount is so small that a proper distribution and application is
7 ~~impossible impractical~~, as much water as the applicant can use
8 without waste may be allotted for a limited time so fixed by the
9 department as to give each appropriator his or her just share
10 without violating other rights, so long as (1) the volume of water
11 used in a twenty-four-hour period does not exceed the amount of
12 water that would otherwise have been allowed at the approved fixed
13 continuous rate for a twenty-four-hour period or (2) the volume of
14 water used in a seven-day, Monday-through-Sunday period does not
15 exceed the amount of water that would otherwise have been allowed
16 at the approved fixed continuous rate for a seven-day period. The
17 department shall determine schedules among appropriators to assure
18 that other rights are not violated.

19 Sec. 135. Section 46-294, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 46-294. (1) The Director of ~~Water~~ Natural Resources
22 shall approve an application filed pursuant to section 46-290 if:
23 (a) ~~(1)~~ The requested change of location is within the

24 same river basin, will not adversely affect any other water
 25 appropriator, and will not significantly adversely affect any
 26 riparian water user who files an objection in writing prior to the
 27 hearing;

1 (b) (2) The requested change will use water from the same
 2 source of supply as the current use;

3 (c) (3) The change of location will not diminish the
 4 supply of water otherwise available;

5 (d) (4) The water will be applied to a use in the same
 6 preference category as the current use, as provided in section
 7 46-204; and

8 (e) (5) The requested change is in the public interest.

9 The applicant ~~shall have~~ has the burden of proving that
 10 the change of location will comply with subdivisions ~~(1)~~ through
 11 ~~(5)~~ of this section (a) through (e) of this subsection, except that
 12 the burden ~~shall be~~ is on the riparian user to demonstrate his or
 13 her riparian status and to demonstrate a significant adverse effect
 14 on his or her use in order to prevent approval of an application.

15 (2) In approving an application, the director may impose
 16 any reasonable conditions deemed necessary to protect the public
 17 interest. An approved change of location shall retain the same
 18 priority date as that of the original water right. In approving an
 19 application, the director may (a) authorize a greater number of
 20 acres to be irrigated if the amount and rate of water approved
 21 under the original appropriation is not increased by the change of
 22 location or (b) authorize the overlying of water appropriations on
 23 the same lands as long as the limits provided in section 46-231 are
 24 not exceeded.

25 Sec. 176. Section 46-637, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 46-637. The use of water described in section 46-636 may
 1 only be made after securing a permit from the Department of ~~Water~~
 2 Natural Resources for such use. If the applicant is an individual,
 3 the application for a permit shall include the applicant's social
 4 security number. In approving or disapproving applications for
 5 such permits, the Director of ~~Water~~ Natural Resources shall take
 6 into account the effect that such pumping may have on the amount of
 7 water in the stream and its ability to meet the requirements of
 8 appropriators from the stream. This section ~~shall~~ does not apply
 9 to (1) water wells located within fifty feet of the bank of any
 10 natural stream which were in existence on ~~September 9, 1993~~, the
 11 operative date of this act and (2) replacement water wells as
 12 defined in ~~subsection (3)~~ of section 46-602 that are located within
 13 fifty feet of the banks of a stream if the water wells being
 14 replaced were originally constructed prior to ~~September 9, 1993~~,
 15 the operative date of this act and were located within fifty feet
 16 of the bank of any natural stream."

17 2. On page 5, line 8, after "Resources" insert "or by
 18 the commission to the extent such power is statutorily granted to

19 the commission".

20 3. On page 259, line 2, after "46-230," insert

21 "46-231,".

22 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 901. Placed on General File as amended.

Standing Committee amendment to LB 901:

AM2083

1 1. Strike section 4 and insert the following new

2 sections:

3 "Section 1. Section 11-201, Revised Statutes Supplement,

4 1998, is amended to read:

5 11-201. It shall be the duty of the Risk Manager:

6 (1) To prescribe the amount, terms, and conditions of any

7 bond when the amount or terms are not fixed by any specific

8 statute. The Risk Manager, in prescribing the amount, deductibles,

9 conditions, and terms, shall consider the type of risks to be

10 bonded, the relationship of the bond premium to risks involved, the

11 past and projected trends for bond premiums, the ability of the

12 Tort Claims Fund, the State Self-Insured Property Fund, and state

13 agencies to pay the deductibles, and any other factors the manager

14 may, in his or her discretion, deem necessary in order to

15 accomplish the provisions of sections 2-1201, 3-103, 8-104, 8-105,

16 11-119, 11-121, 11-201, 37-110, 48-158, 48-609, 48-618, 48-721,

17 48-804.03, 53-109, 55-123, 55-126, 55-127, 55-150, 57-917, 60-1303,

18 60-1502, ~~71-1, 132-11~~, 71-1,206.13, 71-222.01, 72-1241, 80-401.02,

19 81-111, 81-151, 81-8,128, 81-1108.14, 81-2002, 83-128, 84-106,

20 84-206, and 84-801;

21 (2) To pass upon the sufficiency of and approve the

22 surety on the bonds of all officers and employees of the state,

23 when approval is not otherwise prescribed by any specific statute;

24 (3) To arrange for the writing of corporate surety bonds

1 for all the officers and employees of the state who are required by

2 statute to furnish bonds;

3 (4) To arrange for the writing of the blanket corporate

4 surety bond required by this section; and

5 (5) To order the payment of corporate surety bond

6 premiums out of the State Insurance Fund created by section

7 81-8,239.02.

8 All state employees not specifically required to give

9 bond by section 11-119 shall be bonded under a blanket corporate

10 surety bond for faithful performance and honesty in an amount not

11 to exceed one million dollars.

12 The Risk Manager may separately bond any officer,

13 employee, or group thereof under a separate corporate surety bond

14 for performance and honesty pursuant to the standards set forth in

15 subdivision (1) of this section if the corporate surety will not

16 bond or excludes from coverage any officer, employee, or group

17 thereof under the blanket bond required by this section, or if the

18 Risk Manager finds that the reasonable availability or cost of the
19 blanket bond required under this section is adversely affected by
20 any of the following factors: The loss experience, types of risks
21 to be bonded, relationship of bond premium to risks involved, past
22 and projected trends for bond premiums, or any other factors.
23 Surety bonds of ~~public power district directors~~, as
24 required by section 70-617, collection agencies, as required by
25 section 45-608, and detective agencies, as required by section
26 71-3207, shall be approved by the Secretary of State. The Attorney
27 General shall approve all bond forms distributed by the Secretary
1 of State.

2 Sec. 2. Section 46-154, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 46-154. The board of directors shall provide a payment
5 for each director of not to exceed ~~forty~~ seventy dollars per day
6 for each day that a director attends meetings of the board or is
7 engaged in matters concerning the district, but not to exceed two
8 thousand ~~eight hundred~~ dollars per annum. Each director shall also
9 be paid necessary traveling expenses actually incurred while
10 engaged in the performance of his or her duties, including mileage
11 at the rate provided in section 81-1176 for state employees. The
12 board shall fix the compensation to be paid to the other officers
13 named in sections 46-101 to 46-1,111, including the secretary, the
14 assessor, and the treasurer to be paid out of the treasury of the
15 district. The board may also employ a chief engineer, an attorney,
16 and such other agents, assistants, and employees as may be
17 necessary and provide for their compensation.

18 Sec. 3. Section 70-609, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 70-609. Immediately upon the filing of the certificate
21 in the office of the Secretary of State and in the office of ~~such~~
22 the county clerk, the members of the board of directors named in
23 the petition, or appointed by the Governor in case the district has
24 within its boundaries twenty-five or more cities and villages,
25 shall qualify as provided for in ~~sections section~~ section 70-616 and
26 ~~70-617~~, and immediately assume the duties of their office. Failure
27 or refusal to qualify shall be deemed to create a vacancy, which
1 shall be filled as provided in section 70-615. The first meeting
2 of the board of directors shall be called by the director first
3 named in the petition who qualifies.

4 Sec. 4. Section 70-624.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:
6 70-624.02. The members of the board of directors shall
7 be paid their actual expenses, while engaged in the business of the
8 district under the authority of the board of directors, and, for
9 their services, such compensation as shall be fixed by the board of
10 directors.

11 The boards of directors of those districts with gross
12 revenue of less than forty million dollars may fix compensation at

13 not to exceed ~~four thousand eight hundred~~ six thousand seven
14 hundred twenty dollars per year as to all members except the
15 president and not exceeding ~~five thousand four hundred~~ seven
16 thousand five hundred sixty dollars a year as to the president.

17 The boards of directors of those districts with gross
18 revenue of forty million dollars or more may fix compensation at
19 not to exceed ~~nine thousand six hundred~~ thirteen thousand four
20 hundred forty dollars per year as to all members except the
21 president or chairperson of the board and not exceeding ~~ten~~
22 thousand eight hundred fifteen thousand one hundred twenty dollars
23 per year as to the president or chairperson of the board. All
24 salaries and compensation shall be obligations against and be paid
25 solely from the revenue of the district. No director shall receive
26 any other compensation from the district, except as provided in
27 this section, during the term for which he or she was elected or

1 appointed or in the year following the expiration of his or her
2 term, and resignation from such board of directors shall not be
3 construed as the termination of the term of office for which he or
4 she was elected or appointed. A member of the board of directors
5 of a public power district organized under the laws of this state
6 shall not be limited to service on the board of directors in the
7 district in which he or she has been elected so as to preclude
8 service in similar positions of trust on a state, regional, or
9 national level which are the result of his or her membership as a
10 director on such board. For time expended in his or her duties in
11 such position of trust, the director shall not be limited to any
12 existing provisions of law of this state relating to payment of per
13 diem for services as a member of such board of directors, but shall
14 be entitled to receive such additional compensation as may be
15 provided for such service, regardless of the fact that such
16 compensation may be paid from funds to which his or her district
17 has made contributions in the form of dues or otherwise.

18 Sec. 5. Section 70-624.03, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 70-624.03. The board of directors may establish a plan
21 of insurance, designed and intended for the benefit of the
22 employees of the district and the dependents of employees of the
23 district, and, in the discretion of the board, expend funds of the
24 district for the payment of premiums for such employees' and
25 dependents' group, franchise, or wholesale insurance policies.
26 Members of the board of directors of the district may be considered
27 employees for purposes of this section. The dollar amount of any
1 health insurance premiums paid from the funds of the district for
2 the benefit of a member of the board of directors may be in
3 addition to shall ~~not exceed~~ the amount of compensation authorized
4 to be paid to such director pursuant to section 70-624.02.

5 Sec. 9. Original sections 46-154, 70-609, 70-624.02,
6 70-624.03, 70-1001, 70-1003, and 70-1023, Reissue Revised Statutes
7 of Nebraska, and section 11-201, Revised Statutes Supplement, 1998,

8 are repealed.

- 9 Sec. 10. The following section is outright repealed:
 10 Section 70-617, Reissue Revised Statutes of Nebraska".
 11 2. On page 6, line 16, after "shall" insert "annually".
 12 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 283. Indefinitely postponed.

LEGISLATIVE BILL 338. Indefinitely postponed.

LEGISLATIVE BILL 823. Indefinitely postponed.

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

Robert E. Bettger

Nebraska Ethanol Board

Dave Hilferty

Game and Parks Commission

Randall Stinnette

Marvin Westcott

VOTE: Aye: Senators Bromm, Hudkins, Jones, Kremer, Schrock, and Stuhr.
 Nay: None. Absent: Senators Bruning and Preister.

(Signed) Edward J. Schrock, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1157. Placed on General File as amended.

Standing Committee amendment to LB 1157:

AM2092

- 1 1. Insert the following new section:
 2 "Sec. 3. Section 39-1606, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 39-1606. Any resident property owner desiring to file
 5 for the office of trustee of a road improvement district may file
 6 for such office with the county clerk or election commissioner of
 7 the county in which the greater proportion in area of the district
 8 is located, ~~not later than forty-five days before the election on~~
 9 or before the deadline provided in subsection (2) of section
 10 32-606, by paying a filing fee of five dollars. At the first
 11 meeting of the trustees of such district after the election of one
 12 or more members at an election pursuant to section 32-551, the
 13 board shall elect one of their number president. Such district
 14 shall be a body corporate and politic by name of Road Improvement
 15 District No. of County or Counties, as

16 the case may be, with power to sue, be sued, contract, acquire and
 17 hold property, and adopt a common seal. Each trustee shall receive
 18 as his or her salary the sum of five dollars for each meeting."

19 2. On page 3, line 22, after the comma insert "the board
 20 of trustees of a road improvement district."

21 3. On page 4, line 14, after "Original" insert "section
 22 39-1606, Reissue Revised Statutes of Nebraska, and".

23 4. Renumber the remaining sections accordingly.

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 509. The Brashear pending amendment, AM2074, found on page 364 and considered on pages 382 and 389, as amended, was renewed.

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

Senator Bruning requested a record vote on the Brashear amendment.

Voting in the affirmative, 16:

Beutler	Bohlke	Brashear	Chambers	Connealy
Crosby	Dierks	Engel	Hilgert	Kiel
Lynch	Pedersen, Dw.	Robak	Schimek	Suttle
Thompson				

Voting in the negative, 28:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Byars	Coordsen	Cudaback	Dickey
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Matzke	Pederson, D.	Price	Quandahl
Redfield	Schrock	Smith	Stuhr	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 2:

Preister	Schmitt
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Excused and not voting, 3:

Kristensen	Landis	Raikes
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The Brashear amendment, as amended, lost with 16 ayes, 28 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 658. Placed on Select File as amended.

E & R amendment to LB 658:

AM7172

- 1 1. On page 1, line 2, after the second comma insert
- 2 "9-338,".

LEGISLATIVE BILL 626. Placed on Select File as amended.

E & R amendment to LB 626:

AM7173

- 1 1. On page 1, strike beginning with the comma in line 3
- 2 through line 6 and insert "to 87-125, Reissue Revised Statutes of
- 3 Nebraska.".
- 4 2. On page 2, line 1, strike "18" and insert "19".
- 5 3. On page 3, line 5, strike "and".
- 6 4. On page 4, line 24, after the last comma insert "or".
- 7 5. On page 7, line 6, strike "Secretary of State" and
- 8 insert "secretary"; and in line 27 after "upon" insert "the".
- 9 6. On page 8, line 25, strike "10" and insert "11".
- 10 7. On page 11, line 25, strike "8" and insert "9".
- 11 8. On page 13, line 7, strike "practical" and insert
- 12 "practicable"; and in line 18 strike "17" and insert "18".
- 13 9. On page 14, line 4, strike "15" and insert "16".
- 14 10. On page 17, line 8, strike beginning with the first
- 15 comma through "and" and insert "to"; and strike beginning with the
- 16 first comma in line 9 through "1998" in line 10.

LEGISLATIVE BILL 289. Placed on Select File as amended.

E & R amendment to LB 289:

AM7175

- 1 1. On page 1, line 2, strike "1998" and insert "1999";
- 2 and in line 4 strike "and" and after "section" insert "; and to
- 3 declare an emergency".

LEGISLATIVE BILL 289A. Placed on Select File as amended.

E & R amendment to LB 289A:

AM7176

- 1 1. On page 1, line 3; and page 2, line 5, strike "First

2 Session, 1999" and insert "Second Session, 2000".

LEGISLATIVE BILL 477. Placed on Select File as amended.

E & R amendment to LB 477:

AM7174

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. (1) The Nebraska Grape and Winery Board is

4 created. The board shall consist of five members to be appointed

5 by the Governor on a nonpartisan basis. All board members shall be

6 (a) citizens of Nebraska, (b) at least twenty-one years of age, and

7 (c) either engaged in or previously engaged in wine or grape

8 production or research in this state. At least two board members

9 shall be members of the Nebraska Winery and Grape Growers

10 Association. In addition, the Director of Agriculture and the vice

11 chancellor of the University of Nebraska Institute of Agriculture

12 and Natural Resources or their designees shall be ex officio

13 members of the board but shall have no vote in board matters.

14 (2) Whenever a vacancy occurs on the board for any

15 reason, the Governor shall appoint an individual to fill such

16 vacancy pursuant to the qualifications set forth in subsection (1)

17 of this section.

18 Sec. 2. (1) Within thirty days after the appointment of

19 the initial members of the Nebraska Grape and Winery Board, such

20 board shall conduct its first regular meeting. During that

21 meeting, the board members shall elect from among themselves, by

22 majority vote, a chairperson, vice-chairperson, secretary, and

23 treasurer, all to serve for terms of one year from the date of

24 election. Subsequent board meetings shall take place at least once

1 every six months and at such times as called by the chairperson or

2 by any three board members.

3 (2) Each board member shall serve for a term of three

4 years, upon completion of which he or she may, at the Governor's

5 discretion, be reappointed.

6 (3) All voting board members shall be reimbursed for

7 their actual and necessary expenses, as provided for in sections

8 81-1174 to 81-1177, while attending meetings of the board or while

9 engaged in the performance of official responsibilities as

10 determined by the board.

11 (4) A board member shall be removable by the Governor for

12 cause. The board member shall first be given a written copy of the

13 charges against him or her and also an opportunity to be heard

14 publicly. In addition to all other causes, the failure of a board

15 member to continue to meet any of the requirements for eligibility

16 set out in section 1 of this act shall be deemed sufficient cause

17 for removal from office.

18 Sec. 3. The duties and responsibilities of the Nebraska

19 Grape and Winery Board include, but are not limited to, the

20 following:

21 (1) To establish a public forum whereby any producer of
22 wine, grapes, or other wine-producing agricultural products has the
23 opportunity, at least once annually, to discuss with the board its
24 policy and procedures;

25 (2) To keep minutes of its meetings and other books and
26 records which will clearly reflect all of the acts and transactions
27 of the board and to make these records available for examination
1 upon request by members of the public;

2 (3) To authorize and approve the Director of
3 Agriculture's expenditure of funds collected pursuant to section 4
4 of this act;

5 (4) To serve as an advisory panel to the Nebraska Liquor
6 Control Commission in all matters pertaining to the wine industry;
7 and

8 (5) To adopt and promulgate rules and regulations to
9 carry out this act.

10 Sec. 4. Each Nebraska winery shall pay to the Nebraska
11 Liquor Control Commission twenty dollars for every ton of grapes
12 crushed by its facility. Gifts, grants, or bequests may be
13 received for the support of the Nebraska Grape and Winery Board.
14 Funds paid pursuant to the charge imposed by this section and funds
15 received from gifts, grants, or bequests shall be remitted to the
16 State Treasurer for credit to the Winery and Grape Producers
17 Promotional Account which is hereby created as part of the
18 Agricultural Products Marketing Information Cash Fund created by
19 section 81-2,164.03. Funds credited to the account shall be
20 appropriated annually for use by the Director of Agriculture, at
21 the direction of and in cooperation with the board, to develop and
22 maintain programs for the research and advancement of the growing,
23 selling, marketing, and promotion of grapes, fruits, berries,
24 honey, and other agricultural products and their byproducts grown
25 and produced in Nebraska for use in the wine industry. Such
26 expenditures may include, but are not limited to, all necessary
27 funding for the employment of experts in the fields of viticulture
1 and enology, as deemed necessary by the board, and programs aimed
2 at improving the promotion of all varieties of wines, grapes,
3 fruits, berries, honey, and other agricultural products and their
4 byproducts grown and produced in Nebraska for use in the wine
5 industry.

6 Funds credited to the account shall be used for no other
7 purposes than those stated in this section. Any funds not expended
8 during a fiscal year may be maintained in the account for
9 distribution or expenditure during subsequent fiscal years.

10 Sec. 5. The Nebraska Grape and Winery Board shall make
11 and publish an annual report on or before January 1 of each year,
12 which report shall set forth in detail the following:

13 (1) The name and address of each board member and a copy
14 of all rules and regulations adopted and promulgated by the board;
15 and

16 (2) A detailed explanation of all programs for which the
 17 board approved funding that fiscal year, pursuant to section 4 of
 18 this act, for the research, discovery, promotion, and development
 19 of programs for the growing, production, and marketing of Nebraska
 20 wines, grapes, fruits, berries, honey, and other agricultural
 21 products and their byproducts grown and produced in Nebraska for
 22 use in the wine industry.

23 Each annual report shall be presented to the Nebraska
 24 Liquor Control Commission within thirty days after its publication
 25 and made available also to any person who requests a copy. Except
 26 for the annual copy required by this section to be provided to the
 27 commission, the board may charge a nominal fee to cover the costs
 1 of printing and postage for making available copies of its annual
 2 reports."

3 2. On page 1, line 1, strike "alcoholic liquor" and
 4 insert "wine".

LEGISLATIVE BILL 367. Placed on Select File as amended.

E & R amendment to LB 367:

AM7178

1 1. In the Standing Committee amendments, AM0615:

2 a. On page 1, line 19, strike "section" and insert "act";
 3 and

4 b. On page 2, lines 11 and 20; and page 3, line 21,
 5 strike "2000" and insert "2001".

6 2. On page 1, strike beginning with "amend" in line 1
 7 through line 5 and insert "provide membership requirements for
 8 planning commissions in cities of the primary class; to state
 9 intent; and to define terms."

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 747. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

Revenue

LEGISLATIVE BILL 967. Placed on General File as amended.

Standing Committee amendment to LB 967:

AM2086

1 1. Insert the following new sections:

2 "Section 1. Section 77-202.04, Revised Statutes

3 Supplement, 1998, is amended to read:

4 77-202.04. Persons, corporations, or organizations

5 denied exemption from taxation for real or tangible personal

6 property by a county board of equalization may appeal to the Tax
7 Equalization and Review Commission. The county assessor may appeal
8 the grant of an exemption from taxation for real or tangible
9 personal property by a county board of equalization to the Tax
10 Equalization and Review Commission. The Property Tax Administrator
11 may in his or her discretion intervene in any such appeal pursuant
12 to this section.

13 Sec. 3. Section 77-5009, Revised Statutes Supplement,
14 1998, is amended to read:

15 77-5009. (1) The commission may employ legal, clerical,
16 and other assistants as may be necessary to carry out the powers
17 and duties of the commission.

18 (2)(a) For purposes of finding facts ~~or in the~~
19 ~~performance of other duties~~ with regard to any matters relating to
20 taxation, the commission may appoint by an order in writing a
21 special master or special masters whose duties are prescribed in
22 the order, except that the duties of a special master shall not
23 include the determination of conclusions of law or the final
24 disposition of any case or controversy.

1 (b) Special masters may be paid a salary or fee in the
2 discretion of the commission. If a salary is paid, the amount paid
3 shall be fixed by the commission, and if a fee is paid, the amount
4 paid shall be in accordance with the value of the service rendered
5 and shall be agreed upon and approved by the commission before the
6 special master renders service under his or her appointment.

7 (c) The claim for services rendered shall be certified by
8 the commission and paid as provided by law for other claims against
9 the state.

10 (3) In the discharge of his or her duties a special
11 master shall have all the investigative and factfinding powers of
12 the commission in deciding any tax dispute.

13 (4)(a) The commission may conduct a number of
14 factfindings contemporaneously through different special masters
15 and may delegate to a special master the taking of all testimony
16 bearing upon any investigation or hearing.

17 (b) The decision of the commission shall be based upon
18 its examination of all testimony and records.

19 (c) The recommendations made by any special master shall
20 be advisory only and shall not preclude the taking of further
21 testimony if the commission orders further investigation.

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

24 2. On page 3, line 6, strike "information" and insert
25 "evidence" and strike "the hearing" and insert "such hearing and
26 the hearings held pursuant to section 77-5023 for that year".

27 3. On page 6, line 28, after "petition" insert "and the
1 appropriate docket fees" and after "Appeals" insert "and delivery
2 of a copy of the petition to the commission".

3 4. On page 7, line 9, after "served" insert "on all

- 4 parties"; and in line 15 after the period insert "No bond or
 5 undertaking is required for an appeal to the Court of Appeals.".
 6 5. On page 10, line 14, strike "section" and insert
 7 "sections 77-202.04, 77-5009, and".
 8 6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 895. Indefinitely postponed.
LEGISLATIVE BILL 945. Indefinitely postponed.
LEGISLATIVE BILL 949. Indefinitely postponed.
LEGISLATIVE BILL 1006. Indefinitely postponed.
LEGISLATIVE BILL 1036. Indefinitely postponed.
LEGISLATIVE BILL 1039. Indefinitely postponed.
LEGISLATIVE BILL 1042. Indefinitely postponed.
LEGISLATIVE BILL 1043. Indefinitely postponed.
LEGISLATIVE BILL 1073. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LEGISLATIVE BILL 999. Placed on General File.

LEGISLATIVE BILL 902. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

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.

State Foster Care Review Board
 Barbara Heckman

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Tyson, Price, and Dickey. Nay: None. Absent: None.

The Health and Human Services Committee desires to report favorable upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rural Health Advisory Commission
 Todd Stuckey, M.D.
 Lisa Yank

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Tyson, Price, and Dickey. Nay: None. Absent: None.

The Health and Human Services Committee desires to report favorable 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

Chris Becker
Bruce Beins
Randall Datus
Michael Grutsch
Gerald Matzke

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Tyson, Price, and Dickey. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1108	Wednesday, February 2, 2000	1:30 p.m.
LB 1120	Wednesday, February 2, 2000	1:30 p.m.
LB 1141	Wednesday, February 2, 2000	1:30 p.m.
LB 1144	Wednesday, February 2, 2000	1:30 p.m.
LB 1189	Wednesday, February 2, 2000	1:30 p.m.
LB 1299	Wednesday, February 2, 2000	1:30 p.m.
LB 1025	Thursday, February 3, 2000	1:30 p.m.
LB 1029	Thursday, February 3, 2000	1:30 p.m.
LB 1140	Thursday, February 3, 2000	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Appropriations

Monday, January 31, 2000	1:30 p.m.	
Agency 48 – Postsecondary Education		
Agency 50 – State College System		
Agency 51 – University Systemwide		
LB 1175	Monday, January 31, 2000	1:30 p.m.
LB 1232	Monday, January 31, 2000	1:30 p.m.
Tuesday, February 1, 2000	1:30 p.m.	
Agency 34 – Library Commission		
Agency 47 – Educational Telecommunications		
Agency 70 – Foster Care Review Board		
Agency 76 – Indian Commission		
LB 1224	Tuesday, February 1, 2000	1:30 p.m.

LB 1326	Tuesday, February 1, 2000	1:30 p.m.
LB 952	Monday, February 7, 2000	1:30 p.m.
LB 1064	Monday, February 7, 2000	1:30 p.m.
LB 1113	Monday, February 7, 2000	1:30 p.m.
LB 1163	Monday, February 7, 2000	1:30 p.m.
LB 1215	Monday, February 7, 2000	1:30 p.m.
LB 1233	Monday, February 7, 2000	1:30 p.m.
Monday, February 7, 2000		1:30 p.m.
Agency 20 – HHS Registration and Licensure		
Agency 25 – Health and Human Services		
Agency 26 – HHS Finance and Support		
Tuesday, February 8, 2000		1:30 p.m.
Agency 13 – Education		
Agency 65 – Department of Administrative Services		
LB 1172	Tuesday, February 8, 2000	1:30 p.m.
LB 1216	Tuesday, February 8, 2000	1:30 p.m.
LB 1242	Tuesday, February 8, 2000	1:30 p.m.
LB 1259	Tuesday, February 8, 2000	1:30 p.m.
LB 1011	Tuesday, February 8, 2000	1:30 p.m.
Wednesday, February 9, 2000		1:30 p.m.
Agency 16 – Revenue		
Agency 52 – Agriculture Board		
Agency 54 – State Historical Society		
Agency 93 – Tax Equalization and Review		
Agency 96 – Department of Property Taxation and Assessment		
LB 1185	Wednesday, February 9, 2000	1:30 p.m.
LB 1219	Wednesday, February 9, 2000	1:30 p.m.
LB 1247	Wednesday, February 9, 2000	1:30 p.m.
Thursday, February 10, 2000		1:30 p.m.
Agency 3 – Legislative Council		
Agency 7 – Governor		
Agency 9 – Secretary of State		
Agency 85 – Employees Retirement Board		

(Signed) Roger R. Wehrbein, Chairperson

Transportation and Telecommunications

LB 1002	Tuesday, February 1, 2000	1:30 p.m.
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(Signed) Curt Bromm, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 410:
AM2096

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 60-6,267, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 60-6,267. (1) Any person ~~who resides~~ in Nebraska ~~and who~~
6 drives any motor vehicle which has or is required to have an
7 occupant protection system shall ensure that:
8 (a) All children under the age of ~~four or~~ five and
9 weighing less than forty pounds being transported in such vehicle
10 use a child passenger restraint system of a type which meets
11 Federal Motor Vehicle Safety Standard 213 as developed by the
12 National Highway Traffic Safety Administration as of July 10, 1990,
13 and which is correctly installed in such vehicle; and
14 (b) All children under the age of five and weighing forty
15 or more pounds ~~or at least four years of age and younger than five~~
16 ~~years of age~~ being transported in such vehicle use an occupant
17 protection system.

18 This subsection shall apply to every motor vehicle which
19 is equipped with an occupant protection system or is required to be
20 equipped with restraint systems pursuant to Federal Motor Vehicle
21 Safety Standard 208 except taxicabs, mopeds, motorcycles, and any
22 motor vehicle designated by the manufacturer as a 1963 year model
23 or earlier which is not equipped with an occupant protection
24 system.

1 (2) Whenever any licensed physician ~~licensed to practice~~
2 ~~medicine in Nebraska~~ determines, through accepted medical
3 procedures, that use of a child passenger restraint system by a
4 particular child would be harmful by reason of the child's weight,
5 physical condition, or other medical reason, the provisions of
6 subsection (1) of this section shall be waived. The driver of any
7 vehicle transporting such a child shall carry on his or her person
8 or in the vehicle a signed written statement of the physician
9 identifying the child and stating the grounds for such waiver.
10 (3) The drivers of authorized emergency vehicles shall
11 not be subject to the requirements of subsection (1) of this
12 section when operating such authorized emergency vehicles pursuant
13 to their employment.
14 (4) The Department of Motor Vehicles shall develop and
15 implement an ongoing public information and education program
16 regarding the use of child passenger restraint systems and occupant
17 protection systems.

18 Sec. 2. Section 60-6,268, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 60-6,268. (1) A person violating any provision of
21 subsection (1) of section 60-6,267 shall, for a first offense, be

22 guilty of an infraction as defined in section 29-431 and shall be
 23 fined twenty-five dollars for each violation. The failure to
 24 provide a child restraint system for more than one child in the
 25 same vehicle at the same time, as required in such subsection,
 26 shall not be treated as a separate offense.

27 Any For a first offense, a person who is charged with a
 1 violation of such subsection, who does not have in his or her
 2 possession a child restraint system meeting the requirements of
 3 Federal Motor Vehicle Safety Standard 213 as of August 26, 1983,
 4 and who subsequently purchases or rents for a one-year period such
 5 a system prior to his or her court appearance shall not, upon
 6 presentation of proof of purchase or proof of rental for a one-year
 7 period of such a system, be able to utilize such presentation as an
 8 absolute defense and cause for dismissal of such charge have any
 9 fine imposed and shall not have any points assessed against his or
 10 her driving record.

11 For a second or any subsequent offense, any person
 12 violating such subsection shall be guilty of an infraction.

13 (2) A person who has acquired the statement authorized by
 14 subsection (2) of section 60-6,267, but fails to show a peace
 15 officer such statement when requested to do so, shall be guilty of
 16 an infraction as defined in section 29-431 and shall be fined ten
 17 dollars for each offense. The failure to produce a statement for
 18 more than one child in the same vehicle at the same time shall not
 19 be treated as a separate offense.

20 Sec. 3. Section 71-1907, Revised Statutes Supplement,
 21 1998, is amended to read:

22 71-1907. Any person furnishing foster care who is
 23 subject to licensure under section 71-1902, when transporting in a
 24 motor vehicle any children for whom care is being furnished, shall
 25 use an approved child passenger restraint system for each child,
 26 except that an occupant protection system as defined in section
 27 60-6,265 may be used for any child weighing forty or more pounds,
 1 or four years of age or more.

2 Any person violating this section shall be guilty of an
 3 infraction as defined in section 29-431 and shall have his or her
 4 license to furnish foster care revoked or suspended by the
 5 Department of Health and Human Services.

6 For purposes of this section, approved child passenger
 7 restraint system shall mean a restraint system which meets Federal
 8 Motor Vehicle Safety Standard 213 as developed by the National
 9 Highway Traffic Safety Administration as of July 17, 1982.

10 Sec. 4. Original sections 60-6,267 and 60-6,268, Reissue
 11 Revised Statutes of Nebraska, and section 71-1907, Revised Statutes
 12 Supplement, 1998, are repealed."

Senator Beutler filed the following amendment to LB 626:
 AM2108

1 1. On page 16, line 6, strike "three times".

Senator Thompson filed the following amendment to LB 153:
AM2100

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Legislature shall commission a study of
- 4 the Nebraska State Patrol for purposes of examining its mission,
- 5 structure, and staffing and shall make recommendations for any
- 6 needed changes. The study shall:
- 7 (1) Assess the current structure and mission of the
- 8 Nebraska State Patrol;
- 9 (2) Review the growth and viability of the
- 10 mission-related duties of the Nebraska State Patrol as they relate
- 11 to the patrol's work capacity;
- 12 (3) Assess the relationship of local law enforcement and
- 13 the Nebraska State Patrol including, but not limited to,
- 14 cooperative traffic enforcement, participation in drug task forces,
- 15 and mutual assistance responses;
- 16 (4) Review the staffing of the Nebraska State Patrol
- 17 including the resource needs of sparsely populated areas of the
- 18 state;
- 19 (5) Review the communication capabilities of the Nebraska
- 20 State Patrol;
- 21 (6) Examine the effect that a reduction of current grant
- 22 funding would have on the mission and budget of the Nebraska State
- 23 Patrol; and
- 24 (7) Review any promising programs and strategies
- 1 implemented by other jurisdictions with respect to their state
- 2 police departments.
- 3 Sec. 2. The study shall be conducted by a task force
- 4 consisting of the Superintendent of Law Enforcement and Public
- 5 Safety, two other members of the Nebraska State Patrol designated
- 6 by the superintendent, the executive director of the Nebraska
- 7 Commission on Law Enforcement and Criminal Justice or his or her
- 8 designee, and the Director of Research of the Legislature or his or
- 9 her designee. In addition, the Executive Board of the Legislative
- 10 Council shall appoint to the task force two members of the
- 11 Legislature, a representative from the State Troopers' Association
- 12 of Nebraska, a representative of the Fraternal Order of Police, a
- 13 county sheriff or chief of police from each of the six Nebraska
- 14 State Patrol troop sites, and two at-large members from the general
- 15 public. The Executive Board of the Legislative Council shall
- 16 appoint a chairperson of the task force from the task force
- 17 members. The appointments to the task force shall be made no later
- 18 than June 1, 2000.
- 19 Sec. 3. The task force may gather information from
- 20 interested parties through public hearings and other appropriate
- 21 means to assure ample opportunities for outside input to be
- 22 received for consideration. The task force shall issue a report by
- 23 November 30, 2000, and complete its work and issue a final report

24 outlining its findings and recommendations to the Governor and the
 25 Legislature no later than June 30, 2001. The College of Public
 26 Affairs and Community Service of the University of Nebraska at
 27 Omaha will provide administrative support to the task force and

1 shall be responsible for the production and distribution of the
 2 final report. Members of the task force shall be reimbursed
 3 pursuant to sections 81-1174 to 81-1177 for their actual and
 4 necessary expenses during service. It is the intent of the
 5 Legislature that any money appropriated by the Legislature for this
 6 study shall be appropriated to the College of Public Affairs and
 7 Community Service of the University of Nebraska at Omaha.

8 Sec. 4. The task force shall cease to exist on June 30,
 9 2001.

10 Sec. 5. Since an emergency exists, this act takes effect
 11 when passed and approved according to law."

Senators Thompson and Byars filed the following amendment to LB 410:
 AM2055

1 1. On page 2, line 13, strike "five", show as stricken,
 2 and insert "sixteen".

MOTION - Adjournment

Senator Chambers moved to adjourn until 9:00 a.m., Tuesday, January 25,
 2000. The motion failed with 3 ayes, 21 nays, 21 present and not voting, and
 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 509. Senator Hilgert requested a record vote on the
 advancement of the bill.

Voting in the affirmative, 6:

Chambers	Connealy	Crosby	Dierks	Lynch
Robak				

Voting in the negative, 37:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Cudaback	Dickey	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kremer
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Present and not voting, 2:

Jones Wickersham

Excused and not voting, 4:

Kiel Kristensen Landis Raikes

Failed to advance to E & R for review with 6 ayes, 37 nays, 2 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

The Standing Committee amendment, AM0668, found on page 859, First Session, 1999, was considered.

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

AM2105

(Amendments to Standing Committee amendments, AM0668)

- 1 1. On page 1, line 23, after "(b)" insert "a period
- 2 after the failure of the action equal to the period of".

The Brashear amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, 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 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 120. Title read. Considered.

The Standing Committee amendment, AM0173, found on page 859, First Session, 1999, was considered.

Pending.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1353	Wednesday, February 2, 2000	1:30 p.m.
LB 1017	Wednesday, February 2, 2000	1:30 p.m.
LB 1044	Wednesday, February 2, 2000	1:30 p.m.
LB 1070	Wednesday, February 2, 2000	1:30 p.m.
LB 1124	Wednesday, February 2, 2000	1:30 p.m.
LB 1057	Thursday, February 3, 2000	2:30 p.m.
LB 1105	Thursday, February 3, 2000	2:30 p.m.
LB 1100	Thursday, February 3, 2000	2:30 p.m.
LB 1014	Thursday, February 3, 2000	2:30 p.m.

LB 1260	Thursday, February 3, 2000	2:30 p.m.
LB 1339	Thursday, February 3, 2000	2:30 p.m.
LB 1251	Wednesday, February 9, 2000	1:30 p.m.
LB 1263	Wednesday, February 9, 2000	1:30 p.m.
LB 1279	Wednesday, February 9, 2000	1:30 p.m.
LB 985	Wednesday, February 9, 2000	1:30 p.m.
LB 1074	Wednesday, February 9, 2000	1:30 p.m.
LB 941	Wednesday, February 9, 2000	1:30 p.m.
LB 990	Wednesday, February 9, 2000	1:30 p.m.
LB 1430	Wednesday, February 9, 2000	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

AMENDMENT - Print in Journal

Senator D. Pederson filed the following amendment to LB 120:
AM0927

- 1 1. On page 3, line 12, after the comma insert "(i) the
- 2 court shall make a designation as to the parent who shall have
- 3 primary physical custody of the child, which designation is subject
- 4 to modification, and (ii)"; and in line 13 after "child" insert
- 5 "when".

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1083. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 919. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1395. No objections. So ordered.

Senator Crosby asked unanimous consent to have her name added as cointroducer to LR 289CA. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 1410. No objections. So ordered.

VISITORS

Visitors to the Chamber were Beth Maryott from Walthill; and Ben Davison from Central City and Cheryl Pattie from Ansley.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, January 25, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 25, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 25, 2000

PRAYER

The prayer was offered by Reverend Thomas R. Javor, Our Redeemer Lutheran Church, Springfield, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Bohlke who was excused; and Senators Bromm, Byars, Coordsen, Kiel, Landis, Matzke, Raikes, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 371, line 19, strike "Agency 9000".

The Journal for the eleventh day was approved as corrected.

The Journal for the twelfth day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 482. Placed on Select File as amended.

E & R amendment to LB 482:

AM7177

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) For adoptions decreed on or after
- 4 January 1, 2000, every individual or couple that adopts a ward of
- 5 the State of Nebraska shall be entitled to a payment of one
- 6 thousand dollars for the year of adoption and for up to four
- 7 succeeding years. Payments shall be made after approval of an
- 8 application submitted by the adoptive parent or parents to the

9 Department of Health and Human Services. The application shall be
 10 on a form prescribed by the department. An application shall be
 11 submitted during January of the year following the year for which
 12 the payment is sought. An applicant shall be eligible for payment
 13 for the year of adoption and for the earliest of four subsequent
 14 years or until the adopted child reaches the age of majority, is
 15 emancipated, or is no longer living in the home of the adoptive
 16 parent or parents. To be eligible for payment in the years
 17 subsequent to the adoption, the requirements of this section must
 18 be met for the entire year.

19 (2) The department shall review all applications for
 20 eligibility for payment. The department shall approve or deny
 21 payment within thirty days after receipt of the application. If
 22 approved, the department shall certify the necessary information to
 23 the Director of Administrative Services for the issuance of a
 24 warrant. Warrants shall be issued within thirty days after
 1 certification. Any person aggrieved by a decision of the
 2 department may appeal. The appeal shall be in accordance with the
 3 Administrative Procedure Act.

4 (3) The department shall adopt and promulgate rules and
 5 regulations to carry out this section."

6 2. On page 1, strike beginning with "revenue" in line 1
 7 through line 4 and insert "words of the state; to provide for
 8 payments to adoptive parents."

LEGISLATIVE BILL 151. Placed on Select File as amended.
 E & R amendment to LB 151:

AM7179

- 1 1. On page 1, line 1, strike "Detention" and insert
- 2 "Detection".
- 3 2. On page 2, lines 17 and 18, strike "set of
- 4 fingerprints", show as stricken, and insert "thumb print or
- 5 fingerprint".

LEGISLATIVE BILL 55. Placed on Select File as amended.
 E & R amendment to LB 55:

AM7180

- 1 1. On page 1, strike beginning with "within" in line 2
- 2 through line 3 and insert "after the failure of an action and
- 3 expiration of the applicable statute of limitations as
- 4 prescribed."

(Signed) Adrian M. Smith, Chairperson

MOTION - Print in Journal

Senator Vrtiska filed the following motion to LB 1373:
 Withdraw LB 1373.

NOTICE OF COMMITTEE HEARING
Education

LB 1001	Tuesday, February 1, 2000	1:30 p.m.
LB 1056	Tuesday, February 1, 2000	1:30 p.m.
LB 1213	Tuesday, February 1, 2000	1:30 p.m.
LB 1439	Tuesday, February 1, 2000	1:30 p.m.
LB 1447	Tuesday, February 1, 2000	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 283. Read. Considered.

LR 283 was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE RESOLUTION 286. Read. Considered.

LR 286 was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

MOTION - Approve Appointments

Senator Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 375: Roy Frederick, Harry Knobbe, Dale Pohlmann, Gerald Timmerman, and Bill Zutavern – Beginning Farmer Board.

Senator Chambers requested a record vote.

Voting in the affirmative, 36:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Byars	Connealy	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hilgert	Hudkins	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Pedersen, Dw.	Pederson, D.
Quandahl	Redfield	Robak	Schimek	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Brashear	Coordsen	Janssen	Jensen	Preister
Price	Raikes	Schmitt	Schrock	Wickersham

Excused and not voting, 2:

Bohlke Matzke

The appointments were confirmed with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 898. Placed on General File.

LEGISLATIVE BILL 920. Placed on General File.

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 983. Placed on General File.

LEGISLATIVE BILL 1005. Placed on General File.

LEGISLATIVE BILL 911. Indefinitely postponed.

LEGISLATIVE BILL 352. Placed on General File as amended.

Standing Committee amendment to LB 352:

AM2000

- 1 1. On page 2, line 25, after "Impaired" insert "until
- 2 July 1, 2002, at which time commission means the Department of
- 3 Health and Human Services".
- 4 2. On page 4, strike beginning with "staggered" in line
- 5 2 through "terms" in line 7 and insert "for terms which shall
- 6 expire on July 1, 2002"; after line 21 insert the following new
- 7 subsection:
- 8 "(5) On July 1, 2002, the commission shall cease to
- 9 exist, and all duties, powers, and functions of the commission
- 10 under the Commission for the Blind and Visually Impaired Act shall
- 11 be assumed by the Department of Health and Human Services on and
- 12 after such date."; and in line 28 after the period insert "The
- 13 position of director shall cease to exist on July 1, 2002, and all
- 14 duties, powers, and functions of the director under the Commission
- 15 for the Blind and Visually Impaired Act shall be assumed by the
- 16 Director of Health and Human Services or his or her designee.".
- 17 3. On page 5, strike the new matter in line 4 and insert
- 18 "act and (b)".
- 19 4. On page 14, line 14, after the period insert "Any
- 20 rules and regulations of the Division of Rehabilitation Services
- 21 for the Visually Impaired within the Department of Health and Human
- 22 Services in effect on the day immediately preceding the effective
- 23 date of this act shall remain in effect until otherwise amended or
- 24 repealed by the commission. On July 1, 2002, any rules and
- 1 regulations of the commission in effect on June 30, 2002, shall

2 remain in effect for purposes of the act until otherwise amended or
 3 repealed by the department."; in line 20 after "Impaired" insert
 4 "until July 1, 2002. On July 1, 2002, all property, equipment,
 5 supplies, and personnel which belonged to, were allocated to, or
 6 were used to support the commission are transferred to the
 7 department"; and in line 25 after "Impaired" insert "until July 1,
 8 2002. On July 1, 2002, all existing contracts and agreements in
 9 effect are binding and effective upon the department".

(Signed) Jim Jensen, Chairperson

NOTICE OF COMMITTEE HEARINGS Appropriations

Wednesday, February 2, 2000 1:30 p.m.
 Agency 5 - Supreme Court
 Agency 31 - Military
 Agency 46 - Correctional Services
 Agency 64 - State Patrol
 Agency 78 - Crime Commission

LB 978 Wednesday, February 2, 2000 1:30 p.m.

Thursday, February 3, 2000 1:30 p.m.
 Agency 14 - Public Service Commission
 Agency 21 - Fire Marshal
 Agency 29 - Water Resources
 Agency 35 - Liquor Control Commission
 Agency 66 - Examiners Abstractors
 Agency 74 - Power Review Board
 Agency 84 - Environmental Quality

LB 1151 Thursday, February 3, 2000 1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 480:
 AM1957

- 1 1. On page 3, line 10, after "practitioner" insert "or
- 2 physician's assistant".
- 3 2. On page 4, line 22, strike "commission" and insert
- 4 "council".

GENERAL FILE

LEGISLATIVE BILL 120. The Standing Committee amendment, AM0173, found on page 859, First Session, 1999, and considered on page

411, was renewed.

Senators Brown and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 989. Placed on General File.

LEGISLATIVE BILL 1008. Placed on General File.

LEGISLATIVE BILL 451. Placed on General File as amended.

Standing Committee amendment to LB 451:

AM1967

- 1 1. Strike original sections 1 to 5.
- 2 2. On page 7, strike beginning with "sections" in line 4
- 3 through "and" in line 5 and insert "section"; and in line 6 strike
- 4 "are" and insert "is".
- 5 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 921. Placed on General File as amended.

Standing Committee amendment to LB 921:

AM2072

- 1 1. On page 12, line 23, strike "entry", show as
- 2 stricken, and insert "rendition"; and in line 24 after "or" insert
- 3 "making of the".
- 4 2. On page 13, line 16, strike "to" and insert "for
- 5 decision in"; and in line 25 reinstate the stricken comma.
- 6 3. On page 13, lines 27 and 28; and page 14, lines 1 and
- 7 2, strike the new matter and insert "(c) for newly discovered
- 8 material evidence which could neither have been discovered with
- 9 reasonable diligence before trial nor have been discovered with
- 10 reasonable diligence in time to move for a new trial; (d)".
- 11 4. On page 16, line 19, reinstate the stricken "virtue
- 12 of".

LEGISLATIVE BILL 922. Placed on General File as amended.

Standing Committee amendment to LB 922:

AM2081

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 43-2,119, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-2,119. (1) The number of judges of the separate
- 5 juvenile court in counties which have established a separate
- 6 juvenile court shall be:
- 7 (a) Two judges in counties having seventy-five thousand
- 8 inhabitants but less than two hundred thousand inhabitants;

9 (b) ~~Before July 1, 1999, two~~ Three judges in counties
 10 having at least two hundred thousand inhabitants but less than four
 11 hundred thousand inhabitants; ~~and on and after July 1, 1999,~~
 12 three judges in such counties; and

13 (c) ~~Four~~ Five judges in counties having four hundred
 14 thousand inhabitants or more.

15 (2) In counties having two or more judges of the separate
 16 juvenile court, upon the swearing in of the second judge, the
 17 senior judge in point of service as a juvenile court judge shall be
 18 the presiding judge. The judges shall rotate the office of
 19 presiding judge every three years unless the judges agree to
 20 another system.

21 Sec. 5. Since an emergency exists, this act takes effect
 22 when passed and approved according to law."

23 2. On page 3, line 17, after "Original" insert "section
 24 43-2,119, Reissue Revised Statutes of Nebraska, and "; and in line
 1 18 strike "is" and insert "are".

2 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 984. Placed on General File as amended.

Standing Committee amendment to LB 984:

AM2069

1 1. On page 2, line 2, strike "preliminary" and insert
 2 "magistrate"; strike beginning with "by" in line 2 through "29-414"
 3 in line 3; and in line 12 strike "preliminary hearing" and insert
 4 "magistrate examination" and strike the second occurrence of
 5 "hearing" and insert "examination".

LEGISLATIVE BILL 1085. Placed on General File as amended.

Standing Committee amendment to LB 1085:

AM2034

1 1. On page 2, line 22, after "had" insert "or for
 2 lodging and meals when the staff must be away from the office for
 3 more than one day".

LEGISLATIVE BILL 160. Indefinitely postponed.

LEGISLATIVE BILL 254. Indefinitely postponed.

LEGISLATIVE BILL 282. Indefinitely postponed.

LEGISLATIVE BILL 316. Indefinitely postponed.

LEGISLATIVE BILL 481. Indefinitely postponed.

LEGISLATIVE BILL 597. Indefinitely postponed.

LEGISLATIVE BILL 598. Indefinitely postponed.

LEGISLATIVE BILL 599. Indefinitely postponed.

LEGISLATIVE BILL 638. Indefinitely postponed.

LEGISLATIVE BILL 699. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Natural Resources**LEGISLATIVE BILL 1000.** Placed on General File.**LEGISLATIVE BILL 671.** Indefinitely postponed.**LEGISLATIVE BILL 672.** Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS**Natural Resources**

LR 295	Wednesday, February 2, 2000	1:30 p.m.
LR 296	Wednesday, February 2, 2000	1:30 p.m.
LB 1234	Wednesday, February 2, 2000	1:30 p.m.
LB 1273	Wednesday, February 2, 2000	1:30 p.m.
LB 1286	Wednesday, February 2, 2000	1:30 p.m.
LB 1244	Thursday, February 3, 2000	1:30 p.m.
LB 1266	Thursday, February 3, 2000	1:30 p.m.
LB 1360	Thursday, February 3, 2000	1:30 p.m.
LB 1331	Wednesday, February 9, 2000	1:30 p.m.
LB 1359	Wednesday, February 9, 2000	1:30 p.m.
LB 1426	Wednesday, February 9, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Urban Affairs

Tuesday, February 1, 2000	1:30 p.m.
Volunteer Service Award Benefit Review Board	
Charles Carson	
Travis Mayer	
Nicholas Ross	
Clarence Schweitzer	
James Templar	
Robert Tichota	
David Wees	
Tim Wessling	
Keith Wood	

LB 1370	Tuesday, February 1, 2000	1:30 p.m.
LB 1371	Tuesday, February 1, 2000	1:30 p.m.
LB 1238	Tuesday, February 1, 2000	1:30 p.m.
LB 1258	Tuesday, February 1, 2000	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LB 1095	Wednesday, February 9, 2000	1:30 p.m.
LB 1153	Wednesday, February 9, 2000	1:30 p.m.
LB 1195	Wednesday, February 9, 2000	1:30 p.m.
LB 1417	Wednesday, February 9, 2000	1:30 p.m.
LB 1427	Wednesday, February 9, 2000	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Revenue

LB 1294	Thursday, February 10, 2000	2:30 p.m.
LB 1302	Thursday, February 10, 2000	2:30 p.m.
LB 1354	Thursday, February 10, 2000	2:30 p.m.
LB 1049	Thursday, February 10, 2000	2:30 p.m.
LB 1411	Thursday, February 10, 2000	2:30 p.m.
LB 1132	Friday, February 11, 2000	1:30 p.m.
LB 1015	Friday, February 11, 2000	1:30 p.m.
LB 1293	Friday, February 11, 2000	1:30 p.m.
LB 1305	Friday, February 11, 2000	1:30 p.m.
LB 1368	Friday, February 11, 2000	1:30 p.m.
LB 1137	Wednesday, February 16, 2000	2:30 p.m.
LB 1149	Wednesday, February 16, 2000	2:30 p.m.
LB 1223	Wednesday, February 16, 2000	2:30 p.m.
LB 1330	Wednesday, February 16, 2000	2:30 p.m.
LB 1340	Wednesday, February 16, 2000	2:30 p.m.
LB 1398	Wednesday, February 16, 2000	2:30 p.m.
LB 1136	Thursday, February 17, 2000	1:30 p.m.
LB 1168	Thursday, February 17, 2000	1:30 p.m.
LB 1338	Thursday, February 17, 2000	1:30 p.m.
LB 1351	Thursday, February 17, 2000	1:30 p.m.
LB 1412	Thursday, February 17, 2000	1:30 p.m.
LB 1414	Thursday, February 17, 2000	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

REFERENCE COMMITTEE REPORT

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

LB/LR	Committee
LB 1078	Banking, Commerce and Insurance (rereferred)
LB 1347	General Affairs (rereferred)
LB 1392	Health and Human Services (rereferred)

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 120. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA270

Amend AM0173

P.1, line 8, strike "shall" and insert "may".

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Bromm	Bruning	Connealy	Coordsen	Cudaback
Janssen	Jones	Kiel	Kristensen	Landis
Matzke	Pederson, D.	Raikes	Redfield	Robak
Schrock	Thompson	Wehrbein	Wickersham	

Voting in the negative, 28:

Aguilar	Baker	Beutler	Bourne	Brashear
Brown	Byars	Crosby	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Jensen
Kremer	Lynch	Pedersen, Dw.	Preister	Price
Quandahl	Schimek	Schmitt	Smith	Stuhr
Suttle	Tyson	Vrtiska		

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Bohlke

The Chambers amendment lost with 19 ayes, 28 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senators Kristensen and Schmitt asked unanimous consent to be excused.

No objections. So ordered.

Senator Chambers moved to reconsider the vote on the Chambers amendment, FA270.

Senator Hilgert asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 654:
AM2118

1 1. Strike original section 37 and insert the following
2 new section:
3 "Sec. 38. Section 84-1601, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 84-1601. (1) There is hereby established a program of
6 group life and health insurance for all permanent employees of this
7 state who work one-half or more of the regularly scheduled hours
8 during each pay period, excluding employees of the University of
9 Nebraska, the state colleges, and the community colleges. Such
10 program shall be known as the Nebraska State Insurance Program and
11 shall replace any current program of such insurance in effect in
12 any agency and funded in whole or in part by state contributions.
13 (2) Temporary employees of the state who have a work
14 assignment of at least six months' duration and who work at least
15 twenty hours per week may purchase health insurance through the
16 Nebraska State Insurance Program. The state shall pay the same
17 proportion of the insurance premium for temporary employees as is
18 established through the collective bargaining process for permanent
19 employees. For purposes of this subsection, temporary employees
20 means individuals (a) employed in the Temporary Employee Pool as
21 described in subdivision (6) of section 81-1307 and (b) hired
22 directly by state agencies. In no event shall a temporary employee
23 mean an individual hired through a private employment agency. ~~The~~
24 ~~provisions of this subsection shall terminate on July 1, 2000.~~

1 (3) For purposes of sections 84-1601 to 84-1615, health
2 insurance may be construed to include coverage for disability and
3 dental health care services.

4 (4) Any commissioned employee of the Nebraska State
5 Patrol who on or after July 17, 1986, has reached fifty-one years
6 of age or becomes medically disabled and who will not receive
7 benefits from the federal social security program shall be afforded
8 the opportunity to remain enrolled in the state employees group
9 health insurance program until age sixty-five. Employees electing
10 this option shall be responsible for the entire premium cost,
11 including the state's share, the employee's share, and an

12 administrative fee consistent with that allowed by federal
 13 guidelines for continuation of health insurance."
 14 2. Renumber the remaining sections and correct the
 15 repealer accordingly.

Senator Quandahl filed the following amendment to LB 126:
 AM2014

- 1 1. Strike original section 4 and all amendments thereto.
- 2 2. On page 2, line 4, after the second "or" insert
- 3 "knowingly".
- 4 3. On page 4, line 24; and page 5, line 16, strike
- 5 "shall" and insert "may".
- 6 4. On page 5, lines 18, 20, and 23, after "of" insert
- 7 "up to".
- 8 5. On page 7, line 23, strike "53-180.05" through
- 9 "53-1,104" and insert "and 53-180.05".
- 10 6. Renumber the remaining sections accordingly.

Senator Schimek filed the following amendment to LB 654A:
 AM2124

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new section:
- 3 "Section 1. There is hereby appropriated (1) \$1,420,000
- 4 from the State Building Renewal Assessment Fund for FY1999-00 to
- 5 the Department of Administrative Services, for Program 940 -- Task
- 6 Force for Building Renewal, and (2) \$3,010,000 from the State
- 7 Building Renewal Assessment Fund for FY2000-01 to the Department of
- 8 Administrative Services, for Program 940 -- Task Force for Building
- 9 Renewal, to aid in carrying out the provisions of Legislative Bill
- 10 654, Ninety-sixth Legislature, Second Session, 1999.
- 11 No expenditures for permanent and temporary salaries and
- 12 per diems for state employees shall be made from funds appropriated
- 13 in this section.
- 14 The unexpended balance of the State Building Renewal
- 15 Assessment Fund appropriation contained in subsection (1) of this
- 16 section, existing on June 30, 2000, is hereby reappropriated."
- 17 2. Renumber the remaining section accordingly.

Senator Landis filed the following amendment to LB 931:
 (Amendment, AM2121, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room – Room 1102.)

Senator Schimek filed the following amendment to LB 480A:
 AM2122

- 1 1. On page 2, line 1, strike "\$133,642" and insert
- 2 "\$90,252"; in line 2 strike "\$147,187" and insert "\$77,807"; and in
- 3 line 9 strike "\$75,867" and insert "\$50,026" and strike "\$92,861"
- 4 and insert "\$52,925".

Senator Chambers filed the following amendment to LB 120:
FA271
Amend AM0173
Strike and show as stricken the new language in lines 15-17.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 897. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 1319. No objections. So ordered.

Senators Vrtiska and Crosby asked unanimous consent to have their names added as cointroducers to LB 1405. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1267, LB 1410, and LB 1417. No objections. So ordered.

Senator Connealy asked unanimous consent to have his name added as cointroducer to LB 1425. No objections. So ordered.

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 1194. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Quandahl withdrew his name as cointroducer to LB 1269.

VISITORS

Visitors to the Chamber were 17 members of Leadership Sarpy from Sarpy County.

The Doctor of the Day was Dr. David Filipi from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Wednesday, January 26, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 26, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 26, 2000

PRAYER

The prayer was offered by Pastor Ed Kauffman, First Mennonite Church, Beatrice, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Brashear, Dierks, Hartnett, Kremer, Kristensen, Dw. Pedersen, Preister, Raikes, and Schmitt who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

STANDING COMMITTEE REPORTS**Banking, Commerce and Insurance**

LEGISLATIVE BILL 918. Placed on General File.

LEGISLATIVE BILL 1068. Placed on General File.

LEGISLATIVE BILL 1084. Placed on General File.

LEGISLATIVE BILL 274. Indefinitely postponed.

LEGISLATIVE BILL 397. Indefinitely postponed.

LEGISLATIVE BILL 503. Indefinitely postponed.

LEGISLATIVE BILL 551. Indefinitely postponed.

LEGISLATIVE BILL 553. Indefinitely postponed.

LEGISLATIVE BILL 554. Indefinitely postponed.

LEGISLATIVE BILL 555. Indefinitely postponed.

LEGISLATIVE BILL 917. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 626:
AM2129

- 1 1. Insert the following new sections:
- 2 "Sec. 20. Section 25-2130, Reissue Revised Statutes of
- 3 Nebraska, is amend
- 4 25-2130. For willful trespass, injuring any timber,
- 5 tree, or shrub on the land of another, or in the street or highway
- 6 in front of another's cultivated ground, yard, or town lot, or on
- 7 the public grounds of any town, or any land held by this state, for
- 8 any purpose whatever, the trespasser shall pay ~~treble~~ damages at
- 9 the suit of any person entitled to protect or enjoy the property
- 10 aforesaid.
- 11 Sec. 21. Original section 25-2130, Reissue Revised
- 12 Statutes of Nebraska, is repealed."
- 13 2. Underscore original sections 1 through 19.
- 14 3. Renumber the remaining section accordingly.

ANNOUNCEMENT

Senator Dickey designates LB 1101 as his priority bill.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

LB 1200 Wednesday, February 2, 2000

12:00 p.m.

(Signed) Elaine R. Stuhr, Chairperson

1999 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
75	Pet breeders		X	
140	Ag input supplier lenders		X	
142	Intergeneration farm transfer			X
169	State Meat inspection		X	
175	Commodity trading		X	
209	Merging commodity Boards		X	
212	Study Organic Farming		X	
225	Freeze brands		X	
240	Grain storage		X	
241	Soybean promotion program		X	

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
154*	Wastewater Treatment		X	
160*	Filing of school financial information with the State		X	
171	Interstate Highway; 20 year plan and funding road projects		X	
191	Medicaid	X		
232	Effectiveness and cost of assessor duties by the State	X		
233*	Planning and review process of the Natural Resources Commission		X	
257*	N-Focus	X		

* Joint assignment

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
104	CHIP		X	
103	Insurance Deregulation		X	
115	Credit data			X
86	Self-evaluation privilege		X	
159	ATMs			X
140	Ag supplier inputs		X	
116	Public funds security			X
142	Transfer of farms			X
114	Auto insurance			X
117	Central filing		X	
195	Driver's Ed			X
176	Group insurance			X
118	Principal & income		X	

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
129	Workers' Compensation Issues Related to Public Schools		X	
130	Unemployment Issues Related to Certain Staff of Public Schools		X	
135	Workers' Compensation Medical Services Payment and Definition Issues		X	
156	Gender Pay Equity		X	
166	Labor Force Training		X	
234	Family Friendly Workplaces		X	
282	INS, Immigrant Workforce, Meatpacking Industry Issues		X	

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
78	Feasibility of establishing a state-administered college savings program		X	
79	Reorganize, streamline, and consolidate postsecondary educational and administrative services		X	
97	Examine the creation of a new school district within a metropolitan class city			X
98	Examine the shortage of teachers and administrators		X	
155	Review safe school legislation		X	
160*	Study process of filing school financial information to better estimate state aid		X	
179	Explore taxpayers' capacity to pay property taxes in school finance formula		X	
180	Examine educational tax relief options, scholarships, and educational investment incentives		X	
181	Review funding of school breakfast and school lunch programs		X	
182	Examine alternatives to calculate needs in school finance formula		X	
183	Examine alternative structures for financing educational facilities		X	
184	Examine the budget limitation process for Class I school districts		X	
185	Examine approaches to student discipline		X	
186	Examine school size as it relates to educational efficiency and school finance formula		X	
187	Examine status of education for Native American students		X	
214	Determine reasons students choose to leave the state			X
222	Examine ways for businesses to participate in child care for working families		X	
223	Examine how early childhood programs can help children		X	
226	Review status of and propose alternatives to early childhood education		X	
252	Review issues within jurisdiction of the Education Committee			X
253	Provide information to Legislature on assessment alternatives relating to education		X	

256 Examine changes to more effective discipline in schools X

* Joint assignment

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
261*	Valuation of ag land used for nonagricultural purposes			

* See Revenue Committee

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
95	Lottery sales		X	
92	Lottery revenue allocation		X	
123	Environmental Trust Fund		X	
121	Charitable gaming		X	
193	Pickle card industry		X	
172	Pickle card industry		X	
93	Alcoholic liquor import		X	
122	Underage drinking		X	

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
45	State Veterans' Homes Administration		X	
62	Recall Procedures		X	
82	State Veterans' Homes Administration		X	
137	State Agencies' Personal Service Contracts with Private Entities		X	
152	Requirements of the Nebraska Political Accountability and Disclosure Act		X	
153	Nebraska Emergency Planning and Community Right to Know Act		X	
177	Political Subdivision Consolidation		X	
188	Compensation for State Level Public Officials		X	
189	Drafting Changes to the Nebraska Political Accountability and Disclosure Act		X	
190	Government, Military and Veterans Affairs Committee Issues		X	
200	Douglas County Clerk as Douglas County Comptroller		X	

227 Planning and Zoning of
Municipalities and Counties X

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
70	Health Care Trust Fund		X	
49	Statewide information and referral		X	
229	Child welfare		X	
257	N-Focus		X	
259	Federal money to states		X	
260	Health and Human Services System contracts		X	
258	Welfare reform		X	
55	Transfer of legal counsels		X	
52	Hospice		X	
81	Criminal background checks		X	
194	Medicaid Buy-In			X
223	Early childhood education		X	
96	Nursing shortage		X	
134	Mental health regions		X	
56	Mental health commitments		X	
157	Public assistance		X	
88	Insurance coverage for contraceptives		X	
213	Sale of ephedra products		X	

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
133	Examine community corrections or community justice programs		X	
201	State and federal forfeiture systems and related fines and penalties		X	
205	Revise statutes dealing with notaries public		X	
204	Changes to State Tort Claims Act regarding claims arising from modification to railroad crossings, signs, or signals		X	
206	Feasibility of creating the office of state district attorney		X	
77	Feasibility of enacting a district attorney system		X	
202	Permitting certain personal information to remain confidential on public records		X	
203	Allow political subdivisions to recover cost in a hazardous substance emergency		X	
207	Examine procedures with respect			

	to the juvenile mentally ill	X	
208	Operating structure and legal authority of diversion programs for traffic offenses	X	
73	Roles of advocates and guardians in juvenile justice system	X	
238	Provide correctional strategies and adequate facilities for women prisoners	X	
255	Merger of clerk of the county court and clerk of the district court	X	
124	Review establishment of sentencing commissions	X	
111	Transferring of credits from colleges to Nebraska Law Enforcement Training Center	X	
136	Examine weapons training facilities and firearms ranges	X	
30	Examine transferring grant committees responsible for distribution of juvenile justice funds	X	
198	Examine judicial cases involving child custody	X	
55	Transferring attorneys and legal counsels in HHS to Justice Dept.		X
87	Creation of juvenile detention regions	X	
89	Analysis of jamming and parole statistics in Dept. of Correctional Services	X	
112	Review laws relating to identity fraud	X	
150	County reimbursement for use of their jail	X	
132	Require Dept. of Correctional Services to provide information regarding its classification system	X	
197	Examine remedy for noncustodial parents when rights are violated	X	
158	Promote gun safety within state		X
170	Holding health maintenance organizations liable if they make negligent benefits decisions	X	
216	Investigate the incarceration of individuals with mental illness	X	

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
85	Nonpolluting Motor Fuels			X
101	Examine Game & Parks			X
102	Flood Plain Management		X	
106	Designation of Rivers		X	
107	Water Banking & Leasing		X	
108	Merging NRC and DWR		X	

109	Waste Reduction Funds	X	
123	Environmental Trust Funds		X
126	Recycling Policies	X	
131	Economic and health impacts of Class III and IV Livestock Waste Control facilities	X	
148	Use of tax policy to produce both economic and environmental benefits	X	
149	Mandatory deposit on bottles and cans	X	
151	Water quality monitoring	X	
154	Dumping of raw sewage into the waters of the state	X	
192	Tax incentive in the Air and Water Pollution Control Tax Refund Act	X	
199	Operation of air boats on Platte River	X	
209	Merging Corn, Grain Sorghum and Ethanol Boards		X
211	Solid Waste Management Act review	X	
215	White perch infestation	X	
224	Commercial Fertilizer Fee		X
231	Elk hunting	X	
233	Natural Resources Commission's Planning and Review Process		X
250	Solid waste collection services	X	
262	Environmental Stewardship Program	X	

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
119	Comprehensive Study	X		
120	Disability Retirement	X		
244	State Patrol Retirement			X

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
84	Agricultural land valuations	X		
139	Agricultural land valuations	X		
261	Agricultural land valuations	X		
143	Sales and use tax	X		
245	Sales and use tax	X		
144	Aid formulas	X		
145	Exempt property	X		
230	Exempt property	X		
177	Consolidation - municipal/county	X		
165	Homestead	X		
178	Homestead	X		
237	County inheritance tax	X		

146	Investment incentives thresholds		X	
147	Income tax reform		X	
242	Property tax payments in installments		X	
148	Green taxes		X	
192	Green taxes		X	
141	Viability of young farmers			X
160	Financial reporting		X	
167	Financial reporting		X	
168	Financial reporting		X	
246	Property tax collection fee	X		
248	Loss of motor vehicle taxes to S.I.D.s		X	
222	Tax credits for businesses providing adequate child care			X
236	Assessment and taxation of mobile homes		X	
249	Lodging tax			X
46	Sales tax funded public endowments			X

Rules

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
138	Proposed Rule Changes (Altering way caucus assignments are made)		X	

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
90	Oversized Vehicles		X	
99	Lifeline Program	X		
100	Registration Taxes		X	
125	Interstate Highway		X	
161	License Plates		X	
162	20-Year Highway Plan	X		
163	PSC Powers	X		
164	Titles and Registration		X	
173	Highway Needs		X	
196	License Plates			X
210	Telecommuting		X	
217	Uninsured Motorists	X		
220	Accident Statistics		X	
221	Railroad Crossing	X		
251	Highway Safety		X	
254	Telemarketing		X	

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
74	Study of Natural Gas Industry**		X	
266	Examine issues raised by LB 849 (1999)		X	
250*	Solid waste collection service issues and LB 462 (1999)		X	
218	Extraterritorial zoning jurisdiction and municipal authority		X	
227*	Review of municipal and county planning and zoning statutes		X	
243	Statutory role and usage of neighborhood associations and homeowner associations		X	
219	General issues within the jurisdiction of the Urban Affairs Committee		X	
247	Issues raised by LB 804 (1999), Limited Purpose Sanitary and Improvement District Act		X	

* Joint assignment

** Study will be conducted over a two year period

Select Committee on LR 110

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
110	Gender and Minority Equity*			

* Study ongoing through 2000 – a report is to be issued by 12/1/2000

Select Committee on LR 174

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
174	Redistricting Task Force			X

RESOLUTION

LEGISLATIVE RESOLUTION 297. Read. Considered.

Senator Bruning asked unanimous consent to be excused until he returns.
No objections. So ordered.

LR 297 was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8
excused and not voting.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 397: Robert E. Bettger - Environmental Quality Council; and Dave Hilferty - Nebraska Ethanol Board.

Voting in the affirmative, 29:

Aguilar	Baker	Bohlke	Bourne	Bromm
Byars	Connealy	Coordsen	Crosby	Cudaback
Dickey	Hartnett	Hilgert	Hudkins	Janssen
Kremer	Matzke	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Redfield	Schmitt	Schrock	Smith
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Beutler	Brown	Engel	Jensen	Jones
Kiel	Landis	Lynch	Robak	Schimek
Stuhr	Suttle	Wickersham		

Excused and not voting, 6:

Brashear	Bruning	Dierks	Kristensen	Preister
Raikes				

The appointments were confirmed with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 397: Randall Stinnette and Marvin Westcott - Game and Parks Commission.

Voting in the affirmative, 30:

Aguilar	Baker	Bohlke	Bourne	Bromm
Byars	Connealy	Coordsen	Cudaback	Dickey
Engel	Hartnett	Hudkins	Jensen	Jones
Kremer	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Redfield	Schimek	Schmitt
Schrock	Smith	Thompson	Tyson	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Beutler	Brown	Crosby	Hilgert	Janssen
Kiel	Landis	Robak	Stuhr	Suttle
Vrtiska	Wickersham			

Excused and not voting, 6:

Brashear	Bruning	Dierks	Kristensen	Preister
Raikes				

The appointments were confirmed with 30 ayes, 1 nay, 12 present and not voting, and 6 excused and not voting.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 404: Barbara Heckman - State Foster Care Review Board.

Voting in the affirmative, 36:

Aguilar	Baker	Bohlke	Bourne	Bromm
Bruning	Byars	Chambers	Coordsen	Crosby
Cudaback	Dickey	Engel	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Schimek	Schrock	Smith
Stuhr	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Brown	Connealy	Hilgert	Kiel
Landis	Robak	Schmitt	Suttle	

Excused and not voting, 4:

Brashear	Dierks	Kristensen	Raikes
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The appointment was confirmed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 404: Lisa Yank – Rural Health Advisory Commission.

Voting in the affirmative, 34:

Aguilar	Baker	Bohlke	Bourne	Bromm
Bruning	Byars	Chambers	Coordsen	Crosby
Cudaback	Dickey	Engel	Hartnett	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Redfield	Schmitt	Schrock	Smith
Suttle	Thompson	Tyson	Wehrbein	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Brown	Connealy	Hilgert	Landis
Preister	Robak	Schimek	Stuhr	Vrtiska
Wickersham				

Excused and not voting, 4:

Brashear	Dierks	Kristensen	Raikes
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The appointment was confirmed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 404: Todd Stuckey, M.D. – Rural Health Advisory Commission.

Voting in the affirmative, 31:

Aguilar	Baker	Bohlke	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Redfield	Schimek
Smith	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Beutler	Bourne	Bromm	Brown	Connealy
Hilgert	Kiel	Preister	Robak	Schmitt
Schrock	Stuhr	Wickersham		

Excused and not voting, 4:

Brashear Dierks Kristensen Raikes

The appointment was confirmed with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 405: Chris Becker, Bruce Beins, Randall Datus, Michael Grutsch, and Gerald Matzke - Board of Emergency Medical Services.

Voting in the affirmative, 33:

Aguilar	Baker	Bohlke	Brown	Bruning
Byars	Coordsen	Crosby	Cudaback	Dickey
Engel	Hartnett	Hudkins	Jensen	Jones
Kiel	Kremer	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Price	Quandahl	Redfield
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 11:

Beutler	Bourne	Bromm	Connealy	Hilgert
Janssen	Preister	Robak	Schimek	Schmitt
Suttle				

Excused and not voting, 4:

Brashear Dierks Kristensen Raikes

The appointments were confirmed with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 480. E & R amendment, AM7162, found on page 328, was adopted.

Senator Schimek renewed her pending amendment, AM1957, found on page 417.

The Schimek amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Stuhr offered the following amendment:
AM2140

(Amendments to AM1749)

- 1 1. Insert the following new section:
- 2 "Sec. 8. This act shall terminate on December 31,
- 3 2004."

Senator Stuhr asked unanimous consent to replace her pending amendment, AM2140, with a substitute amendment. No objections. So ordered.

Senator Stuhr withdrew her amendment, AM2140.

Senator Stuhr offered the following substitute amendment:
FA272

Amendment to AM1749

1. Insert the following new section:
"Sec. 8. The council under this act shall terminate on December 31, 2004."

Senators Dierks and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

The Stuhr amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Senator Lynch offered the following amendment:
AM2139

(Amendments to AM1749)

- 1 1. On page 1, lines 3 and 5; page 2, line 12; page 4,
- 2 lines 4, 5, 11, and 27; and page 5, lines 3, 6, 10, 11, 12, 25, 26,
- 3 and 27, after "Women's" insert "and Men's".
- 4 2. On page 1, lines 10, 13, 21, and 23; page 2, lines 1,
- 5 6, and 11; page 4, line 22; and page 6, line 8, after "women's"
- 6 insert "and men's".
- 7 3. On page 1, line 6; and page 2, line 4, after "women"
- 8 insert "and men".
- 9 4. On page 2, line 24, after "woman" insert "or man".

Senator Lynch withdrew his amendment.

Senator Schimek moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Smith requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler

Bohlke

Bourne

Bromm

Brown

Byars	Chambers	Connealy	Crosby	Cudaback
Dickey	Janssen	Kiel	Kristensen	Landis
Lynch	Matzke	Price	Raikes	Robak
Schimek	Schmitt	Stuhr	Suttle	Thompson
Wickersham				

Voting in the negative, 17:

Aguilar	Baker	Coordsen	Dierks	Engel
Hartnett	Hudkins	Jensen	Jones	Kremer
Pederson, D.	Quandahl	Redfield	Smith	Tyson
Vrtiska	Wehrbein			

Present and not voting, 3:

Pedersen, Dw.	Preister	Schrock
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Excused and not voting, 3:

Brashear	Bruning	Hilgert
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Advanced to E & R for engrossment with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 283 and 286.

SELECT FILE

LEGISLATIVE BILL 480A. E & R amendment, AM7161, found on page 328, was adopted.

Senator Schimek renewed her pending amendment, AM2122, found on page 424.

The Schimek amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 788. E & R amendment, AM7160, found on page 329, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 6CA. E & R amendment, AM7164,

found on page 376, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 534. E & R amendment, AM7165, found on page 376, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 523. E & R amendment, AM7171, found on page 380, was adopted.

Senator Suttle offered the following amendment:

AM2138

1 1. On page 19, line 9, after the period insert "As
2 administrator, the executive director shall give notice of
3 withdrawal to the executive heads of all other party states within
4 thirty days after the effective date of any statute repealing the
5 compact enacted by the Legislature pursuant to Article X of the
6 compact.".

The Suttle amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT Natural Resources

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendment to LB 1040:

AM2127

1 1. Strike section 4.

(Signed) Edward J. Schrock, Chairperson

NOTICE OF COMMITTEE HEARINGS Natural Resources

LB 1297	Friday, February 11, 2000	1:30 p.m.
LB 1377	Friday, February 11, 2000	1:30 p.m.
LB 1434	Friday, February 11, 2000	1:30 p.m.
LB 1350	Wednesday, February 16, 2000	1:30 p.m.
LB 1355	Wednesday, February 16, 2000	1:30 p.m.
LB 1356	Wednesday, February 16, 2000	1:30 p.m.
LB 1395	Wednesday, February 16, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Judiciary

LR 291CA	Wednesday, February 2, 2000	1:30 p.m.
LB 899	Wednesday, February 2, 2000	1:30 p.m.
LB 1204	Wednesday, February 2, 2000	1:30 p.m.
LB 1289	Wednesday, February 2, 2000	1:30 p.m.
LB 1390	Wednesday, February 2, 2000	1:30 p.m.
LB 966	Thursday, February 3, 2000	1:30 p.m.
LB 1037	Thursday, February 3, 2000	1:30 p.m.
LB 1122	Thursday, February 3, 2000	1:30 p.m.
LB 1380	Thursday, February 3, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Transportation and Telecommunications

Monday, February 7, 2000	1:00 p.m.
Board of Public Roads Classifications and Standards	
James Anderson	
James Bauer	
Larry Kisby	
Richard Ruby	
Timothy Schram	
Darold Tagge	
Henry Thieman	
Henry Vieregger	
LB 1332	Monday, February 7, 2000 1:00 p.m.
LB 1333	Monday, February 7, 2000 1:00 p.m.
LB 1375	Monday, February 7, 2000 1:00 p.m.
LB 1404	Monday, February 7, 2000 1:00 p.m.
LB 1446	Monday, February 7, 2000 1:00 p.m.
LB 1076	Tuesday, February 8, 2000 1:30 p.m.
LB 1239	Tuesday, February 8, 2000 1:30 p.m.
LB 1249	Tuesday, February 8, 2000 1:30 p.m.
LB 1357	Tuesday, February 8, 2000 1:30 p.m.
LB 1361	Tuesday, February 8, 2000 1:30 p.m.
LB 1419	Tuesday, February 8, 2000 1:30 p.m.
LB 1431	Tuesday, February 8, 2000 1:30 p.m.
Monday, February 14, 2000	1:00 p.m.
Nebraska Transit and Rail Advisory Council	
Allan Abbott	
Ann Boyle	
Duane Eitel	

Roger Figard
 Dave Gilfillan
 Georgia Janssen
 Paul Mullen
 Michael Ongerth
 Tom Wais
 Dennis Wilson
 Greg Wright

LB 1077	Monday, February 14, 2000	1:00 p.m.
LB 1154	Monday, February 14, 2000	1:00 p.m.
LB 1284	Monday, February 14, 2000	1:00 p.m.
LB 1337	Monday, February 14, 2000	1:00 p.m.
LB 1362	Monday, February 14, 2000	1:00 p.m.
LB 1421	Monday, February 14, 2000	1:00 p.m.
LB 1065	Tuesday, February 15, 2000	1:30 p.m.
LB 1268	Tuesday, February 15, 2000	1:30 p.m.
LB 1283	Tuesday, February 15, 2000	1:30 p.m.
LB 1295	Tuesday, February 15, 2000	1:30 p.m.
LB 1322	Tuesday, February 15, 2000	1:30 p.m.
LB 1420	Tuesday, February 15, 2000	1:30 p.m.
LB 991	Tuesday, February 22, 2000	1:30 p.m.
LB 1016	Tuesday, February 22, 2000	1:30 p.m.
LB 1032	Tuesday, February 22, 2000	1:30 p.m.
LB 1147	Tuesday, February 22, 2000	1:30 p.m.
LB 1317	Tuesday, February 22, 2000	1:30 p.m.
LB 1409	Tuesday, February 22, 2000	1:30 p.m.

(Signed) Curt Bromm, Chairperson

STANDING COMMITTEE REPORT Education

The Education 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.

Board of Educational Lands and Funds
 M. Jane Keller

VOTE: Aye: Senators Brashear, Coordsen, Price, Raikes, Stuhr, Suttle, and Wickersham. Nay: None. Absent: Senator Bohlke.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT FILE

LEGISLATIVE BILL 410. E & R amendment, AM7170, found on page

381, was adopted.

Senator Baker renewed his pending amendment, AM2096, found on page 407.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Thompson offered the following amendment to the Baker pending amendment:

AM2130

(Amendments to AM2096)

- 1 1. On page 1, line 14, strike "five" and insert
- 2 "sixteen".

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Thompson amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senators Thompson and Byars offered the following amendment to the Baker pending amendment:

AM2131

(Amendments to AM2096)

- 1 1. On page 3, after line 19, insert the following new
- 2 subsection:
- 3 "(3) Enforcement of subdivision (1)(b) of section
- 4 60-6,267 shall be accomplished only as a secondary action when an
- 5 operator of a motor vehicle has been cited or charged with a
- 6 violation or some other offense.".

The Thompson-Byars amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

The Baker amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senators Thompson and Byars withdrew their amendment, AM2055, found on page 410.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 153. E & R amendment, AM7168, found on page 381, was adopted.

Senator Thompson renewed her pending amendment, AM2100, found on page 409.

The Thompson amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 153A. E & R amendment, AM7169, found on page 381, was adopted.

Senator Thompson offered the following amendment:

AM2136

- 1 1. On page 2, lines 1 and 7, strike "\$37,562" and insert
- 2 "\$37,780"; in line 7 after "the" insert "College of Public Affairs
- 3 and Community Service of the"; and strike beginning with the comma
- 4 in line 7 through the comma in line 8.

The Thompson amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 288. E & R amendment, AM7166, found on page 381, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 582. E & R amendment, AM7167, found on page 382, was adopted.

Advanced to E & R for engrossment.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 658. E & R amendment, AM7172, found on page 399, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 289. E & R amendment, AM7175, found on page 399, was adopted.

Senator Beutler renewed his pending amendment, AM2075, found on page 364.

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senators Jensen and Byars asked unanimous consent to be excused. No objections. So ordered.

SENATOR CROSBY PRESIDING

Senator 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.

Senator Cudaback moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Cudaback requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Baker	Bohlke	Brown	Bruning
Crosby	Cudaback	Dickey	Hudkins	Janssen
Jones	Kremer	Kristensen	Lynch	Matzke
Pedersen, Dw.	Quandahl	Raikes	Schimek	Schrock
Smith	Stuhr	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 14:

Beutler	Bourne	Bromm	Connealy	Hilgert
Kiel	Landis	Preister	Price	Redfield
Schmitt	Suttle	Thompson	Tyson	

Present and not voting, 5:

Chambers	Dierks	Engel	Hartnett	Pederson, D.
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Excused and not voting, 5:

Brashear	Byars	Coordsen	Jensen	Robak
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Advanced to E & R for engrossment with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 289A. E & R amendment, AM7176, found on page 399, was adopted.

Senator Cudaback offered the following amendment:
AM2146

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:
- 3 "Section 1. There is hereby appropriated (1) \$7,000 from
- 4 the General Fund for FY2000-01 and (2) \$5,000 from the General Fund
- 5 for FY2001-02 to the Secretary of State, for Program 22, to aid in
- 6 carrying out the provisions of Legislative Bill 289, Ninety-sixth

7 Legislature, Second Session, 2000.
 8 Total expenditures for permanent and temporary salaries
 9 and per diems from funds appropriated in this section shall not
 10 exceed \$3,000 for FY2000-01 or \$3,000 for FY2001-02."

The Cudaback amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 960. Placed on General File.

LEGISLATIVE BILL 213. Placed on General File as amended.

Standing Committee amendment to LB 213:

AM2068

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 54-198, Revised Statutes Supplement,
 4 1999, is amended to read:
 5 54-198. (1) Any person having livestock may record a
 6 brand, which he or she has the exclusive right to use in this
 7 state, and it is unlawful to use any brand for branding any
 8 livestock unless the person using such brand has recorded that
 9 brand with the Nebraska Brand Committee. Only a hot iron or freeze
 10 brand shall be used to brand a live animal.

11 (2) ~~After January 1, 1962, only a hot iron brand shall be~~
 12 ~~used to brand a live animal. A freeze brand or hot iron brand or a~~
 13 ~~freeze brand~~ may be used for in-herd identification purposes such
 14 as for year or production records. With respect to hot iron brands
 15 used for in-herd identification, the numerals 0, 1, 2, 3, 4, 5, 6,
 16 7, 8, and 9 in singular or triangular position are reserved on both
 17 the right and left shoulder of all cattle, except that such
 18 shoulder location for a single-number hot iron brand may be used
 19 for year branding for in-herd identification purposes, and an
 20 alphabetical letter may be substituted for one of the numerals used
 21 in a triangular configuration for in-herd identification purposes.
 22 ~~The Hot iron brands used for~~ in-herd identification ~~brand~~ shall be
 23 used in conjunction with the recorded brand and shall be on the
 24 same side of the animal as the recorded brand. Freeze branding for
 1 in-herd identification may be applied in any location and any
 2 configuration with any combination of numerals or alphabetical
 3 letters.

4 Sec. 2. Section 54-199, Revised Statutes Supplement,
 5 1999, is amended to read:

6 54-199. (1) To record a brand, a person shall forward to
 7 the Nebraska Brand Committee a facsimile of the brand desired to be

8 recorded, a written application, and a recording fee of twenty-five
9 dollars for the first location on a side of the animal and fifteen
10 dollars for each additional location requested on that side of the
11 animal in the same ownership.

12 (2) Upon receipt of such facsimile, application, and fee,
13 the brand committee shall determine compliance with the following
14 requirements:

15 (a) The brand shall be an identification mark that is
16 applied to the hide of a live animal by a hot iron branding or by
17 either hot iron branding or freeze branding. The brand shall be on
18 either side of the animal in any one of three locations, the
19 shoulder, ribs, or hip, except that after September 6, 1991, no new
20 brand shall be recorded for the ribs of the animal on either side.
21 All brands recorded for the ribs on such date shall remain valid
22 and renewable and shall be transferable until such recorded brand
23 expires;

24 (b) The brand is not recorded under the name of any other
25 person and does not conflict with or closely resemble a prior
26 recorded brand;

27 (c) The brand application specifies the left or right
1 side of the animal and the location on that side of the animal
2 where the brand is to be placed;

3 (d) The brand is not recorded as a trade name nor as the
4 name of any profit or nonprofit corporation, unless such trade name
5 or corporation is of record, in current good standing, with the
6 Secretary of State; and

7 (e) The brand is, in the judgment of the brand committee,
8 legible, adequate, and of such a nature that the brand when applied
9 can be properly read and identified by employees of the brand
10 committee.

11 (3) All brands shall be recorded as a hot iron brand only
12 unless a co-recording as a freeze brand is requested by the
13 applicant. The brand committee shall approve co-recording a brand
14 as a freeze brand unless the brand would not be distinguishable
15 from in-herd identification applied by freeze branding.

16 (4) If the facsimile or the application does not comply
17 with any of the requirements of this section, the brand committee
18 shall not record such brand as requested but shall return the
19 recording fee to the forwarding person. The power of examination
20 and rejection is vested in the brand committee, and if the brand
21 committee determines that the application for a recorded brand
22 falls within the category set out in subdivision (2)(e) of this
23 section, it shall decide whether or not a recorded brand shall be
24 issued. The brand committee shall make such examination as
25 promptly as possible. If the brand is recorded, the ownership
26 vests from the date of filing of the application.

27 Sec. 3. Original sections 54-198 and 54-199, Revised
1 Statutes Supplement, 1999, are repealed."

LEGISLATIVE BILL 825. Placed on General File as amended.
Standing Committee amendment to LB 825:
AM2040

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Sections 1 to 12 of this act shall be known

4 and may be cited as the Commercial Dog and Cat Operator Inspection
5 Act.

6 Sec. 2. For purposes of the Commercial Dog and Cat
7 Operator Inspection Act:

8 (1) Boarding kennel means a facility which is primarily
9 used to house or contain dogs or cats owned by persons other than
10 the operator of such facility. The primary function of a boarding
11 kennel is to temporarily harbor dogs or cats when the owner of the
12 dogs or cats is unable to do so or to provide training, grooming,
13 or other nonveterinary service for a consideration before returning
14 the dogs or cats to the owner. A facility which houses or contains
15 thirty or less dogs or cats in a twelve-month period is not a
16 boarding kennel. Veterinary clinics, animal control facilities,
17 and nonprofit animal shelters are not boarding kennels for the
18 purposes of the act;

19 (2) Cat means any animal which is wholly or in part of
20 the species felis domesticus;

21 (3) Commercial breeder means any person (a) engaged in
22 the business of breeding dogs or cats and (b) who sells, exchanges,
23 or leases dogs or cats in return for consideration or who offers to
24 do so, whether or not the dogs or cats are bred, raised, trained,
1 groomed, or boarded by such person. A person who owns or harbors
2 three or less unaltered dogs or cats for breeding purposes which
3 are at least six months of age shall not be a commercial breeder.
4 A person who sells, exchanges, or leases thirty or less
5 dogs or cats in a twelve-month period shall not be a commercial
6 breeder if all such dogs or cats are sold, exchanged, or leased to
7 a final owner rather than for later retail sale or brokered
8 trading. A person knowingly selling, exchanging, or leasing any
9 dogs or cats for later retail sale or for brokered trading shall be
10 classified as a commercial breeder;

11 (4) Dealer means any person who is not a commercial
12 breeder but is engaged in the business of buying for resale or
13 selling or exchanging dogs or cats as a principal or agent or who
14 claims to be so engaged. A person who purchases, sells, exchanges,
15 or leases thirty or less dogs or cats in a twelve-month period is
16 not a dealer;

17 (5) Department means the Bureau of Animal Industry of the
18 Department of Agriculture with the State Veterinarian in charge,
19 subordinate only to the director;

20 (6) Director means the Director of Agriculture or his or
21 her designated employee;

22 (7) Dog means any animal which is wholly or in part of

23 the species *canis familiaris*;

24 (8) Housing facility means any room, building, or areas

25 used to contain a primary enclosure;

26 (9) Inspector means any person who is employed by the

27 department and who is authorized to perform inspections pursuant to
1 the act;

2 (10) Licensee means a person who has qualified for and

3 received a license from the department pursuant to the act;

4 (11) Primary enclosure means any structure used to

5 immediately restrict a dog or cat to a limited amount of space,

6 such as a room, pen, cage, or compartment;

7 (12) Secretary of Agriculture means the Secretary of

8 Agriculture of the United States Department of Agriculture; and

9 (13) Unaltered means any male or female dog or cat which

10 has not been neutered or spayed or otherwise rendered incapable of
11 reproduction.

12 Sec. 3. (1) Beginning April 1, 2001, a person shall not

13 operate as a commercial breeder, a dealer, or a boarding kennel

14 unless the person obtains the appropriate license as a commercial

15 breeder, dealer, or boarding kennel. An applicant for a license

16 shall submit an application for the appropriate license to the

17 department, on a form prescribed by the department, together with a

18 nonreturnable license fee. Such fee shall be one hundred dollars.

19 The license fee shall be paid annually. Additionally, the

20 department may conduct an inspection of the facilities and

21 sanitation and confinement practices of the applicant or any other

22 practices that may affect the humane treatment of dogs and cats.

23 Upon receipt of the application and initial license fee, the

24 appropriate license may be issued by the department. Such license

25 shall not be transferable to another person or location.

26 (2) A license to operate as a commercial breeder, a

27 license to operate as a dealer, or a license to operate as a

1 boarding kennel shall be renewed by filing with the department at

2 least thirty days prior to April 1 of each year of a renewal

3 application and the annual license fee. Failure to renew a license

4 prior to the expiration of the license shall result in an

5 additional fee of twenty dollars required upon application to renew

6 such license.

7 Sec. 4. The department shall establish an inspection

8 program for applicants and licensees to determine whether the

9 standards of care of the Commercial Dog and Cat Operation

10 Inspection Act are being met. When an inspection produces evidence

11 of a violation of the act or the rules and regulations of the

12 department, a copy of a written report of the inspection and

13 violations shown thereon, prepared by the inspector, shall be given

14 to the applicant or licensee, together with written notice to

15 comply within the time limit established by the department and set

16 out in such notice. The premises of the applicant or licensee

17 shall be open for inspection. The department and any officer,

18 agent, employee, or appointee of the department shall have the
19 right to enter upon the premises of any person who has, or is
20 suspected of having, any dog or cat thereon, or any sanitation,
21 housing, or other condition or practice that is in violation of the
22 act.

23 Sec. 5. The department shall adopt and promulgate rules
24 and regulations to carry out the Commercial Dog and Cat Operator
25 Inspection Act. The rules and regulations may include, but are not
26 limited to, provisions governing record-keeping and other

27 requirements for persons required to have a license and any other
1 matter deemed necessary by the department to carry out the act.

2 The department shall use as a guideline for the humane handling,
3 care, treatment, and transportation of dogs and cats the standards
4 of the Animal and Plant Health Inspection Service of the United
5 States Department of Agriculture as set out in 9 C.F.R. 3.1 to
6 3.19.

7 Sec. 6. Before the department approves an application
8 for an initial license, an inspector of the department may inspect
9 the operation of the applicant to determine whether the applicant
10 qualifies to hold a license pursuant to the Commercial Dog and Cat
11 Operator Inspection Act. An applicant who qualifies shall be
12 issued a license. An applicant who does not receive a license
13 shall be afforded the opportunity of a hearing before the director
14 or the director's designee to present evidence that the applicant
15 is qualified to hold a license should a license be issued. All
16 such hearings shall be in accordance with the Administrative
17 Procedure Act.

18 Sec. 7. (1) A licensee issued a license under the
19 Commercial Dog and Cat Operator Inspection Act shall comply with
20 the act, the rules and regulations, and any order of the director
21 issued pursuant thereto. The licensee shall not interfere with the
22 department in the performance of its duties.

23 (2) A licensee may be put on probation requiring such
24 licensee to comply with the conditions set out in an order of
25 probation issued by the director after:

26 (a) The director determines the licensee has not complied
27 with subsection (1) of this section;

1 (b) The licensee is given written notice to comply and
2 written notice of the right to a hearing to show cause why an order
3 of probation should not be issued; and

4 (c) The director finds that issuing an order of probation
5 is appropriate based on the hearing record or on the available
6 information if the hearing is waived by the licensee.

7 (3) A license may be suspended after:

8 (a) The director determines the licensee has not complied
9 with subsection (1) of this section;

10 (b) The licensee is given written notice to comply and
11 written notice of the right to a hearing to show cause why the
12 license should not be suspended; and

13 (c) The director finds that issuing an order suspending
14 the license is appropriate based on the hearing record or on the
15 available information if the hearing is waived by the licensee.

16 (4) A license may be immediately suspended and the
17 director may order the operation of the licensee closed prior to
18 hearing when:

19 (a) The director determines that there is a significant
20 threat to the health or safety of the dogs or cats harbored or
21 owned by the licensee; and

22 (b) The licensee receives written notice to comply and
23 written notice of the right to a hearing to show cause why the
24 suspension should not be sustained. Within fifteen days after the
25 suspension, the licensee may request in writing a date for a
26 hearing, and the director shall consider the interests of the
27 licensee when the director establishes the date and time of the
1 hearing, except that no hearing shall be held sooner than is
2 reasonable under the circumstances. When a licensee does not
3 request a hearing date within the fifteen-day period, the director
4 shall establish a hearing date and notify the licensee of the date
5 and time of such hearing.

6 (5) A license may be revoked after:

7 (a) The director determines the licensee has committed
8 serious, repeated, or multiple violations of any of the
9 requirements of subsection (1) of this section;

10 (b) The licensee is given written notice to comply and
11 written notice to the right for a hearing to show cause why the
12 license should not be revoked; and

13 (c) The director finds that issuing an order revoking the
14 license is appropriate based on the hearing record or on the
15 available information if the hearing is waived by the licensee.

16 (6) The operation of any licensee which has been
17 suspended shall close and remain closed until the license is
18 reinstated. Any operation for which the license has been revoked
19 shall close and remain closed until a new license is issued.

20 (7) The director may terminate proceedings to suspend or
21 revoke a license or subject a licensee to an order of probation at
22 any time if the reasons for such proceedings no longer exist. A
23 license which has been suspended may be reinstated, a person with a
24 revoked license may be issued a new license, or a licensee may no
25 longer be subject to an order of probation if the director
26 determines the conditions which prompted the suspension,
27 revocation, or probation no longer exist.

1 (8) Proceedings for suspension, revocation, or probation
2 shall not preclude the department from seeking other civil or
3 criminal actions.

4 Sec. 8. (1) Any notice or order provided for in the
5 Commercial Dog and Cat Operator Inspection Act shall be properly
6 served when it is personally served on the licensee or on the
7 person authorized by the licensee to receive notices and orders of

8 the department or when it is sent certified or registered mail,
9 return receipt requested, to the last-known address of the licensee
10 or the person authorized by the licensee to receive such notices
11 and orders. A copy of the notice and the order shall be filed in
12 the records of the department.

13 (2) A notice to comply with the conditions set out in the
14 order of the director provided in section 7 of this act shall set
15 forth the acts or omissions with which the licensee is charged.

16 (3) A notice of the licensee's right to a hearing
17 provided for in sections 6 and 7 of this act shall set forth the
18 time and place of the hearing except as otherwise provided in
19 section 7 of this act. A notice of the licensee's right to such
20 hearing shall include notice that such right to a hearing may be
21 waived pursuant to subsection (5) of this section. A notice of the
22 licensee's right to a hearing to show cause why the license shall
23 not be revoked shall include notice to the licensee that the
24 license may be revoked or suspended, that the licensee may be
25 subject to an order of probation, or that the license may be
26 suspended and the licensee subject to an order of probation, if the
27 director determines such action is more appropriate. A notice of
1 the licensee's right to a hearing to show cause why the license
2 should not be suspended shall include notice to the licensee that
3 the license may be suspended or that the licensee may also be
4 subject to an order of probation if the director determines such
5 action is more appropriate.

6 (4) The hearings provided for in the act shall be
7 conducted by the director at the time and place he or she
8 designates. The director shall make a final finding based on the
9 complete hearing record and issue an order. If the director has
10 suspended a license pursuant to subsection (4) of section 7 of this
11 act, the director shall sustain, modify, or rescind the order after
12 the hearing. All hearings shall be in accordance with the
13 Administrative Procedure Act.

14 (5) A licensee waives the right to a hearing if such
15 licensee does not attend the hearing at the time and place set
16 forth in the notice described in subsection (3) of this section,
17 without requesting the director at least two days before the
18 designated time to change the time and place for the hearing,
19 except that before an order of the director becomes final, the
20 director may designate a different time and place for the hearing
21 if the licensee shows the director that the licensee had a
22 justifiable reason for not attending the hearing and not timely
23 requesting a change of the time and place for such hearing. If the
24 licensee waives the right to a hearing, the director shall make a
25 final finding based upon the available information and issue an
26 order. If the director has suspended a license pursuant to
27 subsection (4) of section 7 of this act, the director may sustain,
1 modify, or rescind the order after the hearing.

2 (6) Any person aggrieved by the finding of the director

3 has ten days after the entry of the director's order to request a
4 new hearing if such person can show that a mistake of fact has been
5 made which affected the director's determination. Any order of the
6 director becomes final upon the expiration of ten days after its
7 entry if no request for a new hearing is made.

8 Sec. 9. (1) In order to ensure compliance with the
9 Commercial Dog and Cat Operator Inspection Act, the department may
10 apply for a restraining order, temporary injunction, or mandatory
11 injunction against any person violating or threatening to violate
12 the act or the rules and regulations adopted and promulgated
13 thereunder. The district court of the county where the violation
14 is occurring or is about to occur shall have jurisdiction to grant
15 relief upon good cause shown. Relief may be granted
16 notwithstanding the existence of any other remedy at law and shall
17 be granted without bond.

18 The county attorney of the county in which such
19 violations are occurring or about to occur shall, when notified of
20 such violation or threatened violation, cause appropriate
21 proceedings under this section to be instituted and pursued without
22 delay.

23 (2) If alleged violations of the Commercial Dog and Cat
24 Operator Inspection Act or the rules and regulations of the
25 department pose a significant threat to the health or safety of the
26 dogs or cats harbored or owned by an applicant or licensee, the
27 department may request a law enforcement officer as defined in
1 section 28-1008 to impound the dogs or cats pursuant to sections
2 28-1011 and 28-1012.

3 Sec. 10. (1) It is unlawful for a person to operate
4 without a valid license or operate while a license is revoked or
5 suspended if a license is required by the Commercial Dog and Cat
6 Operator Inspection Act. A licensee shall not operate in any
7 manner which is not in conformity with the act or the rules and
8 regulations adopted and promulgated pursuant thereto or interfere
9 with the duties of the department or any final order of the
10 director pursuant to the act.

11 (2) Any person who violates any provision of the act is
12 guilty of a Class I misdemeanor.

13 Sec. 11. The Commercial Dog and Cat Operator Inspection
14 Program Cash Fund is created and shall consist of money
15 appropriated by the Legislature, gifts, grants, costs, or charges
16 from any source, including federal, state, public, and private
17 sources. The funds shall be used to carry out the Commercial Dog
18 and Cat Operator Inspection Act. Any money in the fund available
19 for investment shall be invested by the state investment officer
20 pursuant to the Nebraska Capital Expansion Act and the Nebraska
21 State Funds Investment Act.

22 Sec. 12. The department may cooperate with the Secretary
23 of Agriculture in carrying out applicable federal law and the
24 regulations issued by the Secretary of Agriculture under such law.

25 The department may enter into contracts with any person to
 26 implement any or all of the provisions of the Commercial Dog and
 27 Cat Operation Inspection Act.

1 Sec. 13. This act becomes operative on July 1, 2000.

2 Sec. 14. Since an emergency exists, this act takes

3 effect when passed and approved according to law."

LEGISLATIVE BILL 833. Placed on General File as amended.

Standing Committee amendment to LB 833:

AM2004

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 54-2607, Revised Statutes

4 Supplement, 1999, is amended to read:

5 54-2607. Except as provided in sections 54-2608 and

6 54-2609, it is unlawful for a packer purchasing or entering into a

7 contract to purchase swine originating in this state to pay or

8 enter into a contract to pay different prices to the sellers of the

9 swine. This section shall not be construed to mean that a price or

10 payment method must remain fixed throughout any marketing period.

11 Sec. 2. Section 54-2608, Revised Statutes Supplement,

12 1999, is amended to read:

13 54-2608. Section 54-2607 does not apply to any direct,

14 spot, or cash purchase of swine if the following requirements are

15 met:

16 ~~(1) The difference in price is based on: (a) (1) A~~

17 payment method specifying prices paid for criteria relating to

18 carcass merit; or ~~(b) (2) actual and quantifiable costs related to~~

19 transporting and acquiring the swine by the packer; ; and

20 ~~(2) After making the payment to a seller, the packer~~

21 reports the payment information required under section 54-2613;

22 including the payment method specifying prices paid for criteria

23 relating to carcass merit and transportation and acquisition costs.

24 Sec. 3. Section 54-2609, Revised Statutes Supplement,

1 1999, is amended to read:

2 54-2609. Section 54-2607 does not apply to any contract

3 to purchase swine at a certain date or time if the following

4 requirements are met:

5 (1) The difference in price is based on: (a) A payment

6 method specifying prices paid for criteria relating to carcass

7 merit; or (b) actual and quantifiable costs related to transporting

8 and acquiring the swine by the packer; and

9 (2) The packer reports the payment information required

10 under section 54-2613, including the payment method specifying

11 prices paid for criteria relating to carcass merit and

12 transportation and acquisition costs;

13 (3) The packer reports the information required under

14 section 54-2613, including the price to be paid for swine to be

15 delivered on specified delivery dates or times; and

16 (4) An offer to enter into a contract for the delivery of
17 swine, according to the same terms and conditions, is made to other
18 sellers.

19 Sec. 4. Section 54-2617, Revised Statutes Supplement,
20 1999, is amended to read:

21 54-2617. It is unlawful for a packer to enter into a
22 contract to purchase cattle originating in this state for slaughter
23 if:

24 (1) The contract specifies that the seller is not allowed
25 to ~~report~~ disclose the terms of the contract; or

26 (2) The date of delivery of such cattle is not specified.

27 Sec. 5. Section 54-2618, Revised Statutes Supplement,
1 1999, is amended to read:

2 54-2618. Section 54-2617 does not apply to any contract
3 to purchase cattle for slaughter if the ~~following conditions are~~
4 ~~met~~:

5 ~~(1) The contract to purchase cattle for slaughter~~
6 ~~specifies the month of delivery and allows the seller to set the~~
7 ~~week for delivery within such month, ; and~~

8 ~~(2) The packer reports the contract information as~~
9 ~~required under section 54-2623, including specified delivery dates~~
10 ~~or times.~~

11 Sec. 6. Section 54-2619, Revised Statutes Supplement,
12 1999, is amended to read:

13 54-2619. It is unlawful for a packer to enter into a
14 contract to purchase cattle originating in this state for slaughter
15 using a formula or grid pricing mechanism ~~if the packer fails to~~
16 ~~negotiate in which~~ a base price is not established prior to the
17 cattle being committed or scheduled for slaughter.

18 Sec. 7. Original sections 54-2607 to 54-2609 and 54-2617
19 to 54-2619, Revised Statutes Supplement, 1999, are repealed.".

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1135	Wednesday, February 2, 2000	1:30 p.m.
LB 1365	Wednesday, February 2, 2000	1:30 p.m.
LB 1410	Wednesday, February 2, 2000	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 477:
AM2109

(Amendments to E & R amendments, AM7174)

1 1. On page 3, line 17 strike "Account" and insert

2 "Fund"; strike beginning with "as" in line 17 through "Funds" in
3 line 19 and insert ". For administrative purposes, the fund shall
4 be located in the Department of Agriculture. All revenue"; in line
5 19 strike "account" and insert "fund"; and in line 20 strike
6 "appropriated" through "Agriculture" and insert "used by the
7 department".
8 2. On page 4, lines 6 and 8, strike "account" and insert
9 "fund"; and in line 9 after the period insert "Any money in the
10 fund available for investment shall be invested by the state
11 investment officer pursuant to the Nebraska Capital Expansion Act
12 and the Nebraska State Funds Investment Act."

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 1174 and LB 1241. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 1087 and LB 1241. No objections. So ordered.

Senators Dw. Pedersen and Hartnett asked unanimous consent to have their names added as cointroducers to LB 1087. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 1087, LB 1174, and LB 1241. No objections. So ordered.

Senators Aguilar and Hartnett asked unanimous consent to have their names added as cointroducers to LB 1414. No objections. So ordered.

VISITORS

Visitors to the Chamber were Justin Rutherford, Carletta Sanford, Dominique Finch, and Shelli Henry from Omaha; Tim Anderson and Ilene Grossman from the Council of State Governments; 25 members and sponsor from Governor's Youth Advisory Council; and former Senator David Bernard-Stevens from North Platte.

The Doctor of the Day was Dr. Richard Hanisch from St. Paul.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, January 27, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 27, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 27, 2000

PRAYER

The prayer was offered by Reverend Burton Knudsen, First Presbyterian Church, Wahoo, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Bohlke, Byars, Coordsen, Hartnett, Kiel, Landis, Raikes, Schrock, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1111. Placed on General File.

LEGISLATIVE BILL 1125. Placed on General File.

LEGISLATIVE BILL 1119. Placed on General File as amended.

Standing Committee amendment to LB 1119:

AM2113

1 1. On page 13, strike beginning with "At" in line 10
2 through line 16.

3 2. On page 22, strike beginning with "At" in line 13
4 through line 19.

5 3. On page 28, strike beginning with "an" in line 18
6 through "provisions" in line 19 and insert "a written listing of
7 the policy forms"; and in line 23 strike "provisions" and insert
8 "policy forms".

9 4. On page 32, lines 5 and 6 and 7, strike "primarily
 10 located" and insert "headquartered"; and strike beginning with
 11 "whether" in line 8 through "jurisdiction" in line 11 and insert
 12 "where the largest number of the officers and senior management are
 13 physically located".

LEGISLATIVE BILL 1148. Placed on General File as amended.
 Standing Committee amendment to LB 1148:
 AM2089

1 1. On page 2, line 9, strike "(2)" and insert "(2)(a)";
 2 and in line 11 after "limited" insert "solely" and after "licensee"
 3 insert "and the servicing rights to the loans are retained by the
 4 licensee or assigned or otherwise transferred to a financial
 5 institution, licensee, or permittee.
 6 (b) For purposes of this subsection:
 7 (i) Affiliate means an entity that controls, is
 8 controlled by, or is under common control with another entity;
 9 (ii) Control means to own directly or indirectly or to
 10 control in any manner twenty-five percent of the voting shares of
 11 an entity or to control in any manner the election of the majority
 12 of directors of any entity; and
 13 (iii) Securitization means the placing of individual
 14 installment loans made by licensees into a commingled or pooled
 15 security that is subsequently sold or otherwise transferred to
 16 another entity.
 17 (c) Nothing in this subsection shall be construed to
 18 exempt a licensee or affiliate from the provisions of the
 19 Securities Act of Nebraska".

(Signed) David M. Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 1103. Placed on General File.

LEGISLATIVE BILL 1198. Placed on General File.

LEGISLATIVE BILL 1116. Placed on General File as amended.
 Standing Committee amendment to LB 1116:
 AM2135

1 1. Insert the following new section:
 2 "Section 1. A city of the primary class may adopt
 3 biennial budgets for biennial periods if such budgets are provided
 4 for by a city charter provision. For purposes of this section:
 5 (1) Biennial budget means a budget that provides for a
 6 biennial period to determine and carry on the city's financial and
 7 taxing affairs; and
 8 (2) Biennial period means the two fiscal years comprising
 9 a biennium commencing in odd-numbered years."
 10 2. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

MESSAGE FROM THE GOVERNOR

December 30, 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 as members of the Nebraska Advisory Commission on Compulsive Gambling:

APPOINTEES:

Judy Streeks, 2852 Jane La, Lincoln NE 68516
Jerry Bauerkemper, 17116 Karen St, Omaha NE 68135
Thomas Nutt, 1418 8th Ave, Holdrege NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

AMENDMENT - Print in Journal

Senator Kremer filed the following amendment to LB 367:
AM2143

(Amendments to Standing Committee amendments, AM0615)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Section 19-926, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 19-926. (1) The planning commission shall consist of
- 5 nine regular members who shall represent, insofar as is possible,
- 6 the different professions or occupations in the municipality and
- 7 shall be appointed by the mayor, by and with the approval of a
- 8 majority vote of the members elected to the council or the village
- 9 board. Two of the regular members may be residents of the area
- 10 over which the municipality is authorized to exercise
- 11 extraterritorial zoning and subdivision regulation. When there is
- 12 a sufficient number of residents in the area over which the
- 13 municipality exercises extraterritorial zoning and subdivision

14 regulation, one regular member of the commission shall be a
15 resident from such area. If it is determined by the city council
16 or village board that a sufficient number of residents reside in
17 the area subject to extraterritorial zoning or subdivision
18 regulation, and no such resident is a regular member of the
19 commission, the first available vacancy on the commission shall be
20 filled by the appointment of such an individual. For purposes of
21 this section, a sufficient number of residents shall mean: (a) For
22 a village, two hundred residents a number of residents at least
23 equal to five percent of the residents of the village as determined
1 by the most recent federal decennial census; (b) for a city of the
2 second class, five hundred residents a number of residents at least
3 equal to five percent of the residents of the city as determined by
4 the most recent federal decennial census; and (c) for a city of the
5 first class, one thousand residents. A number of commissioners
6 equal to a majority of the number of regular members appointed to
7 the commission shall constitute a quorum for the transaction of any
8 business. All regular members of the commission shall serve
9 without compensation and shall hold no other municipal office
10 except when appointed to serve on the board of adjustment as
11 provided in section 19-908. The term of each regular member shall
12 be three years, except that three regular members of the first
13 commission to be so appointed shall serve for terms of one year,
14 three for terms of two years, and three for terms of three years.
15 All regular members shall hold office until their successors are
16 appointed. Any member may, after a public hearing before the
17 council or village board, be removed by the mayor with the consent
18 of a majority vote of the members elected to the council or village
19 board for inefficiency, neglect of duty or malfeasance in office,
20 or other good and sufficient cause. Vacancies occurring otherwise
21 than through the expiration of term shall be filled for the
22 unexpired portion of the term by the mayor.

23 (2) Notwithstanding the provisions of subsection (1) of
24 this section, the planning commission for any city of the second
25 class or village may have either five, seven, or nine regular
26 members as the city council or village board of trustees
27 establishes by ordinance. If a city or village planning commission
1 has either five or seven regular members, approximately one-third
2 of the regular members of the first commission shall serve for
3 terms of one year, one-third for terms of two years, and one-third
4 for terms of three years.

5 (3) A city of the first or second class or a village may,
6 by ordinance, provide for the appointment of one alternate member
7 to the planning commission who shall be chosen by the mayor with
8 the approval of a majority vote of the elected members of the
9 council or village board. The alternate member shall serve without
10 compensation and shall hold no other municipal office. The term of
11 the alternate member shall be three years, and he or she shall hold
12 office until his or her successor is appointed and approved. The

13 alternate member may be removed from office in the same manner as a
14 regular member. If the alternate member position becomes vacant
15 other than through the expiration of the term, the vacancy shall be
16 filled for the unexpired portion of the term by the mayor with the
17 approval of a majority vote of the elected members of the council
18 or village board. The alternate member may attend any meeting and
19 may serve as a voting and participating member of the commission at
20 any time when less than the full number of regular commission
21 members is present and capable of voting.

22 Sec. 6. Original section 19-926, Reissue Revised
23 Statutes of Nebraska, is repealed."

24 2. On page 1, line 19, strike "this section" and all
25 amendments thereto and insert "sections 1 to 4 of this act".

26 3. Underscore the remaining sections.

MOTION - Withdraw LB 1373

Senator Vrtiska renewed his pending motion, found on page 414, to withdraw LB 1373.

The Vrtiska motion to withdraw prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 477. E & R amendment, AM7174, found on page 400, was adopted.

Senator Beutler renewed his pending amendment, AM2109, found on page 458.

The Beutler amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 120. Senator Chambers renewed his pending motion, found on page 423, to reconsider the vote on the Chambers amendment, FA270, found on page 422.

SENATOR WICKERSHAM PRESIDING

Senator Chambers withdrew his motion to reconsider.

Senator Chambers withdrew his amendment, FA271, found on page 425.

The Standing Committee amendment, AM0173, found on page 859, First

Session, 1999, and considered on pages 411 and 417, was renewed.

The Standing Committee amendment lost with 0 ayes, 32 nays, 14 present and not voting, and 3 excused and not voting.

Senator D. Pederson withdrew his amendment, AM0927, found on page 412.

Senators Beutler and Brashear offered the following amendment:
AM2154

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 43-2915, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-2915. (1) The parenting plan shall include a schedule
- 5 which designates in which party's home the minor child shall reside
- 6 on given days of the year, including provisions for specified
- 7 religious and secular holidays, birthdays of family members,
- 8 vacations, and other special occasions.
- 9 (2) In the development of a parenting plan, consideration
- 10 shall be given to the minor child's age and developmental needs and
- 11 provision of a healthy relationship between the minor child and
- 12 each party with the goal of maintaining significant visitation time
- 13 for the noncustodial parent with the time the child spends with the
- 14 custodial parent.
- 15 (3) The minimum court-ordered time the minor child shall
- 16 spend with each parent shall be specified, including, but not
- 17 limited to, specified religious and secular holidays, birthdays,
- 18 vacations, and other special occasions.
- 19 (4) The decree shall include the parenting plan developed
- 20 by the parents through mediation and approved by the court pursuant
- 21 to the Parenting Act."
- 22 2. On page 2, strike the new matter in lines 13 through
- 23 15 and insert "and consideration shall be given to placing legal
- 24 custody of the minor child with both parents on a shared or joint
- 1 custody basis. The custody determination of the court shall
- 2 include both the determination of to whom the legal custody of the
- 3 child shall be given and the determination of to whom the physical
- 4 custody of the child shall be given as separate and independent
- 5 issues"; and in line 20 after "custody" insert "and visitation".
- 6 3. On page 3, line 7, after "custody" insert "and
- 7 visitation"; strike lines 9 through 14 and insert
- 8 "(a) The court may place the minor child in joint legal
- 9 custody or in joint physical custody only after conducting a
- 10 hearing in open court and specifically finding that such joint
- 11 custody is in the best interests of the minor child. If joint
- 12 legal custody or joint physical custody is ordered, each parent
- 13 shall have the right to make decisions in the best interests of the
- 14 minor child in accordance with the parenting plan developed under
- 15 the Parenting Act. A decree ordering joint legal custody or joint

- 16 physical custody shall include a parenting plan;; and in line 17
 17 after "other" insert "; and
 18 (c) In determining visitation arrangements, it shall be a
 19 goal of the court to maintain significant visitation time for the
 20 noncustodial parent with the time the child spends with the
 21 custodial parent, unless such goal is not in the best interests of
 22 the minor child".
 23 4. On page 7, line 22, strike "and 43-2,113" and insert
 24 ", 43-2,113, and 43-2915".
 25 5. Renumber the remaining section accordingly.

Senator Chambers offered the following amendment to the Beutler-Brashear amendment:

FA273

Amend AM2154

P.1, line 23, strike "shall" and insert "may"

Senators Dickey and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bromm asked unanimous consent to bracket LB 120 until February 17, 2000. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS Appropriations

LB 1242	Tuesday, February 8, 2000 (cancel)	1:30 p.m.
LB 1259	Tuesday, February 8, 2000 (cancel)	1:30 p.m.
LB 1349	Tuesday, February 8, 2000	1:30 p.m.
LB 1242	Friday, February 11, 2000 (reschedule)	1:30 p.m.
LB 1259	Friday, February 11, 2000 (reschedule)	1:30 p.m.
LB 1314	Friday, February 11, 2000	1:30 p.m.
LB 1425	Friday, February 11, 2000	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

General Affairs

Monday, February 7, 2000	1:30 p.m.	
Nebraska Arts Council		
Fred Teller		
Robert Wolfe		
LB 1346	Monday, February 7, 2000	1:30 p.m.
LB 1174	Monday, February 7, 2000	1:30 p.m.
LB 1034	Monday, February 7, 2000	1:30 p.m.
LB 1130	Monday, February 7, 2000	1:30 p.m.
LB 1171	Monday, February 7, 2000	1:30 p.m.

SENATOR SCHIMEK PRESIDING

Senators Beutler, Hartnett, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR WICKERSHAM PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a record vote on his motion to bracket LB 175.

Voting in the affirmative, 3:

Bourne	Connealy	Landis
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Voting in the negative, 30:

Aguilar	Bromm	Brown	Bruning	Byars
Coordsen	Dickey	Dierks	Engel	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	Wickersham

Present and not voting, 13:

Baker	Bohlke	Brashear	Chambers	Crosby
Cudaback	Kiel	Kristensen	Schimek	Schmitt
Schrock	Suttle	Thompson		

Excused and not voting, 3:

Beutler	Hartnett	Robak
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The Chambers motion to bracket failed with 3 ayes, 30 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM0648, found on page 860, First Session, 1999, was considered.

Senators Kristensen, Landis, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator 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:

FA274

1 1. Strike section 1.

Senators Byars and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 488. Indefinitely postponed.

LEGISLATIVE BILL 639. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

Revenue

LEGISLATIVE BILL 171. Placed on General File as amended.

Standing Committee amendment to LB 171:

AM2103

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 77-2701, Revised Statutes

4 Supplement, 1998, is amended to read:

5 77-2701. Sections 77-2701 to 77-27,135.01 and section 2

6 of this act shall be known and may be cited as the Nebraska Revenue

7 Act of 1967.

8 Sec. 2. (1) Any over-the-air television station which

9 purchases machinery or equipment after July 1, 1999, and prior to

10 December 31, 2003, which is used directly and primarily for the

11 purpose of producing a digital broadcast signal and which is

12 determined by the Department of Revenue to be necessary to comply

13 with the provisions of the federal Telecommunication Act of 1996

14 which require digital broadcasting equipment to be used at

15 federally licensed facilities, may apply for a refund of all of the

16 Nebraska sales and use taxes and all of the local option sales and

17 use taxes paid on the machinery or equipment.

18 (2) The purchaser shall file a claim within three years

19 after the date of the purchase with the Tax Commissioner. The

20 information provided on the claim may be disclosed to any other tax

21 official of this state.

22 Sec. 3. Original section 77-2701, Revised Statutes

23 Supplement, 1998, is repealed."

(Signed) William R. Wickersham, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 901A. 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 901, Ninety-sixth Legislature, Second Session, 2000.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LR 294CA	Thursday, February 3, 2000	1:30 p.m.
LB 1265	Thursday, February 3, 2000	1:30 p.m.
LB 1281	Thursday, February 3, 2000	1:30 p.m.
LB 1319	Thursday, February 3, 2000	1:30 p.m.
LB 1308	Thursday, February 3, 2000	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 654:
 AM2123

(Amendments to Standing Committee amendments, AM0711)

- 1 1. Strike amendments 1, 2, 4, and 5 and renumber the
- 2 remaining amendment accordingly.

Senator Schimek filed the following amendment to LB 654:
 (Amendment, AM2159, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Lynch filed the following amendment to LB 654A:
 AM2160

(Amendments to AM2124)

- 1 1. On page 1, after line 13 insert the following:
- 2 "Pursuant to section 81-188.01, funds appropriated in
- 3 this section shall be expended to conduct renewal work as defined
- 4 in section 81-173. The Task Force for Building Renewal shall
- 5 allocate funds appropriated in this section for building renewal
- 6 projects and shall administer such funds in a manner consistent
- 7 with the Deferred Building Renewal Act."

Senator Beutler filed the following amendment to LB 120:
 AM2145

- 1 1. On page 2, strike the new matter in lines 13 through
- 2 15 and insert "and consideration shall be given to placing legal

3 custody of the minor child with both parents on a shared or joint
 4 custody basis. The custody determination of the court shall
 5 include both the determination of to whom the legal custody of the
 6 child shall be given and the determination of to whom the physical
 7 custody of the child shall be given as separate and independent
 8 issues"; and in line 20 after "custody" insert "and visitation".
 9 2. On page 3, line 7, after "custody" insert "and
 10 visitation"; and strike lines 9 through 14 and insert "(a) The
 11 court may place the minor child in joint legal custody or in joint
 12 physical custody only after conducting a hearing in open court and
 13 specifically finding that such joint custody is in the best
 14 interests of the minor child. If joint legal custody or joint
 15 physical custody is ordered, each parent shall have the right to
 16 make decisions in the best interests of the minor child in
 17 accordance with the parenting plan developed under the Parenting
 18 Act. A decree ordering joint legal custody or joint physical
 19 custody shall include a parenting plan; and".

ANNOUNCEMENT

Senator Schimek designates LR 289CA as her priority resolution.

RESOLUTION

LEGISLATIVE RESOLUTION 300. Introduced by Jones, 43.

WHEREAS, the National Audubon Society, Inc., has conveyed to the Nebraska Game and Parks Foundation property located in Rock County, Nebraska, which will be maintained as the Fred Thomas 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 Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows:

The south half of the northeast quarter (S 1/2 NE 1/4), the north half of the southeast quarter (N 1/2 SE 1/4), and lots one and two of section 30, township 32 north, range 19 west of the 6th principal meridian, Rock County, Nebraska.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as the Fred Thomas Wildlife Management Area.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 300 was referred to the Reference Committee.

STANDING COMMITTEE REPORT General Affairs

The General 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 Arts Council
Paul Sjulín

State Electrical Board
James Dietz
Riley George

VOTE: Aye: Senators Cudaback, Hartnett, Janssen, Schrock, and Smith.
Nay: None. Absent: Senators Connealy, Dickey, and Quandahl.

(Signed) Ray Janssen, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 480, 480A, 534, 788, and LR 6CA.

Enrollment and Review Change to LB 480

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

ER9109

1. In lieu of the Stuhr amendment, FA272, in the Schimek amendment, AM1749, on page 4, after line 8, the following new subsection has been inserted:

"(8) The advisory council terminates on December 31, 2004."

2. In lieu of the Schimek amendment, AM1957, in the Schimek amendment, AM1749, on page 2, line 16, "or physician's assistant" has been inserted after "practitioner".

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT – Room Changes

Senator Wehrbein asked unanimous consent for the Appropriations Committee to conduct its hearing on Tuesday, February 1, 2000, in Room 1003 instead of Room 1524. No objections. So ordered.

Senator Wehrbein asked unanimous consent for the Appropriations Committee to conduct its hearing on Tuesday, February 8, 2000, in Room 1003 instead of Room 1524. No objections. So ordered.

Senator Dierks asked unanimous consent for the Agriculture Committee to conduct its hearing on Tuesday, February 1, 2000, in Room 1524 instead of Room 2102. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducers

Senators Byars and Thompson asked unanimous consent to have their names added as cointroducers to LB 410. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1079. No objections. So ordered.

VISITORS

Visitors to the Chamber were Linda Peacock from O'Neill; Steve and Cathy Mattoon from Sidney; Dode Miller from Wahoo and Laretta Neuhaus from Polk; and Sara and Matthew Mitchell from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Friday, January 28, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 28, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 28, 2000

PRAYER

The prayer was offered by Pastor Bob Walz, Berean Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Bruning who was excused; and Senators Bohlke, Bromm, Brown, Kiel, Landis, Matzke, and Wehrbein who were excused and until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

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

The following bills were correctly engrossed: LBs 153, 153A, 288, 289, 289A, 410, 477, 523, 582, and 658.

Enrollment and Review Change to LB 477

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

ER9111

1. In the E & R amendments, AM7174, on page 3, line 2, "Director" has been struck and "Department" inserted.

Enrollment and Review Change to LB 658

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

ER9110

1. On page 4, line 22, the semicolon has been struck and an underscored comma inserted.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Appropriations

LB 1369	Thursday, February 10, 2000	1:30 p.m.
LB 1396	Thursday, February 10, 2000	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 27, 2000, 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; Wellness International Network Ltd. (Withdrawn 01/21/2000)

Boucher Law Firm

Boucher, Richard – Lincoln; Nebraska Sheriff's Association

Crosby, Guenzel, Davis, Kessner & Kuester

Weber, Rocky – Lincoln; Nebraska Cooperative Council

Fulton, Jack A. – Westminster, CO; The Western Sugar Company

Jensen Associates, Inc.

Jensen, Ronald L. – Lincoln; The Nebraska Society of Radiologic Technologists

Jorgensen, Dawn M. – Grand Island; ABATE of Nebraska Inc.

Pappas, James E. – Lincoln; LaVista Keno; Nebraska Lakes Incorporated; Northwestern Public Service; UNO Faculty

Pollard, Scott – Lincoln; Nebraska Petroleum Marketers & Convenience Store Association

Radcliffe and Associates

Radcliffe, Walter H. – Lincoln; Nebraska Securities Industry Association (Withdrawn 01/27/2000)

Sieh, Loren – Naper; Boyd County Local Monitoring Committee

UNANIMOUS CONSENT - Member Excused

Senator Dickey asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointment

Senator Bohlke moved the adoption of the report of the Education Committee for the following appointment found on page 445: M. Jane Keller - Board of Educational Lands and Funds.

Voting in the affirmative, 34:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Connealy	Coordsen	Crosby	Cudaback	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wickersham	

Voting in the negative, 0.

Present and not voting, 7:

Baker	Byars	Chambers	Engel	Lynch
Preister	Tyson			

Excused and not voting, 8:

Bromm	Brown	Bruning	Dickey	Kiel
Landis	Matzke	Wehrbein		

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 884.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1003, 83-1008, 83-1013, 83-1015, 83-1016, 83-1019, 83-1023, 83-1024, 83-1026, 83-1047, 83-1048, 83-1049, 83-1050, 83-1051, 83-1055, 83-1058, 83-1059, 83-1061, 83-1062, 83-1064, 83-1066, and 83-1069, Reissue Revised Statutes of Nebraska; to change citation references; to change and eliminate references to repealed sections; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Byars	Chambers	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 2:

Engel	Preister
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Excused and not voting, 5:

Bromm	Brown	Bruning	Kiel	Landis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 885.

A BILL FOR AN ACT relating to the Strategic Air Command Museum; to amend section 81-1211, Reissue Revised Statutes of Nebraska; to repeal obsolete provisions governing divestment; to harmonize provisions; to repeal the original section; and to outright repeal sections 90-261 to 90-263, 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, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Byars	Chambers	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson

Tyson Vrtiska Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 4:

Bromm Brown Bruning Kiel

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

LEGISLATIVE BILL 886.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate provisions relating to a depreciation surcharge applicable to tax year 1992; and to outright repeal sections 77-2716.02, 77-2734.17, and 77-2769.03, 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, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Preister Schrock

Excused and not voting, 3:

Bromm Bruning Kiel

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

LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to the Nebraska Constitutional Revision Commission; to repeal provisions relating to the commission; and to outright repeal sections 49-1601 to 49-1603, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Preister Schrock

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 888.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to repeal a section that terminated on June 30, 1997; and to outright repeal section 81-2266, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks

Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Bromm Preister

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to repeal provisions governing an advisory committee that was to exist for three years after June 14, 1995; and to outright repeal section 68-704, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 890.

A BILL FOR AN ACT relating to electronic information; to repeal provisions governing a plan that was to be issued by March 1, 1995; and to outright repeal sections 50-439 to 50-442, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 891.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3228 and 2-3235, Revised Statutes Supplement, 1999; to harmonize provisions with Laws 1999, LB 436; and to repeal the original sections.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey

Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 892.

A BILL FOR AN ACT relating to the Managed Care Plan Act; to amend sections 68-1048, 68-1050, 68-1051, 68-1056, and 68-1064, Reissue Revised Statutes of Nebraska; to delete references to the Managed Care Commission that ceased to exist April 1, 1997; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1052, 68-1053, 68-1054, 68-1055, 68-1065, and 68-1066, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 893.

A BILL FOR AN ACT relating to state government; to amend sections 23-1715, 81-1120.02, and 81-1120.03, Reissue Revised Statutes of Nebraska; to remove references to an eliminated board; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kristensen

Excused and not voting, 2:

Bruning Kiel

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

LEGISLATIVE BILL 894.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to repeal a duty relating to the 1982 legislation adopting the code; and to outright repeal section 43-2,130, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bruning Kiel

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: LBs 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, and LR 297.

UNANIMOUS CONSENT - Member Excused

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 175. The first Standing Committee amendment, FA274, found on page 470, was renewed.

Senator Chambers offered the following amendment to the first Standing Committee amendment:

FA277

Amend AM0648 (First Division)

P. 2, line 11, beginning with "Any" strike all language through "dog" in line 18.

Senators Cudaback and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Senator Hilgert requested a record vote on the Chambers amendment.

Voting in the affirmative, 33:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Byars	Chambers	Connealy	Coordsen
Dickey	Hilgert	Janssen	Jones	Kremer
Landis	Matzke	Pedersen, Dw.	Pederson, D.	Price
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Crosby	Tyson
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Present and not voting, 9:

Beutler	Brown	Dierks	Hartnett	Hudkins
Kristensen	Lynch	Preister	Quandahl	

Excused and not voting, 5:

Bruning	Cudaback	Engel	Jensen	Kiel
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The Chambers amendment was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senators Kristensen, Coordsen, Dierks, Lynch, Hartnett, Landis, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

The first Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Senators Raikes and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The second Standing Committee amendment is as follows:

FA275

2 2. On page 3, lines 5 and 14, strike "one thousand" and
3 insert "five hundred".

4 3. On page 6, line 5 reinstate the stricken matter and
5 strike "If not contested, trial"; in line 8 strike ". If

6 contested" and insert "unless the defendant appears and contests
7 the action. If the defendant appears and contests the action"; in
8 line 8 strike "less than ten nor" and show as stricken; and in line
9 19 strike "ten", show as stricken, and insert "five".

Senator Chambers offered the following amendment to the second Standing Committee amendment:

FA278

Amend AM0648 (Division 2)

P. 3, line 4, strike "believed" and insert "has been determined by a qualified evaluator of such property"

SENATOR CUDABACK PRESIDING

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Senators Wickersham, Kristensen, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 4:

Crosby	Hilgert	Pedersen, Dw.	Wehrbein
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Present and not voting, 34:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Byars	Chambers
Connealy	Cudaback	Dickey	Hartnett	Hudkins
Jensen	Jones	Kremer	Matzke	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	

Excused and not voting, 11:

Bruning	Coordsen	Dierks	Engel	Janssen
Kiel	Kristensen	Landis	Lynch	Tyson
Wickersham				

The Chambers amendment lost with 0 ayes, 4 nays, 34 present and not voting, and 11 excused and not voting.

Senators Robak, Bohlke, Suttle, Brashear, Price, Raikes, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to reconsider the vote on the Chambers amendment, FA278.

Senators Vrtiska, Smith, and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 0 ayes, 3 nays, 25 present and not voting, and 21 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 1022. Placed on General File.

(Signed) Jim Jensen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1012. Placed on General File.

LEGISLATIVE BILL 1018. Placed on General File.

LEGISLATIVE BILL 1019. Placed on General File.

LEGISLATIVE BILL 1075. Placed on General File.

LEGISLATIVE BILL 951. Placed on General File as amended.

Standing Committee amendment to LB 951:

AM2137

- 1 1. On page 4, line 14, strike "one dollar" and insert
- 2 "fifty cents".
- 3 2. On page 5, line 17, after the period insert "The
- 4 Director of Regulation and Licensure shall annually, on or before
- 5 January 1, submit a report to the Legislature which includes a
- 6 general accounting of the income and expenditures of the fund.".

LEGISLATIVE BILL 997. Indefinitely postponed.

LEGISLATIVE BILL 1020. Indefinitely postponed.

The Transportation and Telecommunications 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 Highway Commission

Duane Acklie

Jerome Fagerland

John Kingsbury
Greg Wolford

VOTE: Aye: Senators Bromm, Byars, Jones, Hudkins, Baker,
Dw. Pedersen, Robak, and Thompson. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 953	Monday, February 7, 2000	1:30 p.m.
LB 1310	Monday, February 7, 2000	1:30 p.m.
LB 1311	Monday, February 7, 2000	1:30 p.m.
LB 1424	Monday, February 7, 2000	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 900A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 92A, section 1; and Laws 1999, LB 880, sections 120, 121, 167 to 175, and 262; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Ninety-sixth Legislature, Second Session, 2000; to change appropriations as prescribed; to provide for transfers; to provide an operative date; to repeal the original sections; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 28, 2000, at 9:55 a.m., were the following: LBs 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, and 894.

(Signed) Diana Bridges
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers moved to bracket until March 25, 2000.

Senators Beutler and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to bracket failed with 3 ayes, 7 nays, 21 present and not voting, and 18 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Matzke filed the following amendments to LB 662:

(1)

AM2184

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 74-308, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 74-308. Any railroad may purchase and use real estate
- 6 for a price to be agreed upon with the owners thereof. If a
- 7 railroad and a real property owner cannot agree to a purchase
- 8 price, the railroad and may acquire the same through the exercise
- 9 of the power of eminent domain if the exercise of eminent domain is
- 10 a public use consistent with public necessity. The procedure to
- 11 condemn property shall be exercised in the manner set forth in
- 12 sections 76-704 to 76-724, subject to sections 2 to 5 of this act.
- 13 Sec. 2. The railroad has the burden of proving by a
- 14 preponderance of the evidence that the exercise of the right of
- 15 eminent domain is a public use consistent with public necessity. A
- 16 railroad's exercise of the right of eminent domain is a public use
- 17 consistent with public necessity only if the use of eminent domain:
- 18 (1) Has as its purpose providing railroad transportation
- 19 to shippers in Nebraska for commodities produced, manufactured,
- 20 mined, grown, or substantially used or consumed in Nebraska;
- 21 (2) Is proposed by an applicant with financial resources
- 22 necessary to complete the proposed construction or reconstruction
- 23 along with any related facilities, construction, or mitigation
- 24 which is necessary to protect against harm to the public safety,
- 1 convenience, or other adverse socioeconomic or environmental
- 2 impact, as evidenced by a financing commitment from a lender or an
- 3 investor or combination of each with adequate capitalization and
- 4 resources to fulfill its commitment to build and complete the
- 5 project;
- 6 (3) Is proposed by an applicant who has negotiated in
- 7 good faith to privately acquire sufficient property without the use
- 8 of eminent domain;
- 9 (4) Is proposed by an applicant who has filed an
- 10 application with a plat, as required by the Nebraska Natural
- 11 Resources Commission, and that application sets forth the public
- 12 use consistent with public necessity and the route of the railroad
- 13 to be constructed or reconstructed, identifies each affected
- 14 landowner, and specifies the location along with construction
- 15 methods and engineering specifications for all main lines, siding,

16 yards, bridges, crossings, safety devices, switches, signals, and
 17 maintenance facilities; and

18 (5) Provides that electric utilities, public utilities,
 19 telecommunications companies, and rural water systems have the
 20 right to the use of the right-of-way for the placement of
 21 underground facilities, without fee, subject to reasonable
 22 regulation as to location and placement.

23 Sec. 3. The Nebraska Natural Resources Commission shall
 24 evaluate the application and hold a public hearing in the area
 25 impacted by the proposed railroad project in order to determine
 26 whether the proposed exercise of eminent domain is a public use
 27 consistent with public necessity. Following the public hearing,
 1 the commission shall determine whether the proposed railroad
 2 project is a public use consistent with public necessity. If the
 3 commission determines the proposed railroad project is not a public
 4 use consistent with public necessity, the railroad may not use
 5 eminent domain to obtain real property. Either party may appeal
 6 the decision to the district court of the county where the real
 7 property in question is located.

8 Sec. 4. Under section 74-308, no surveys or soil or
 9 water examinations shall be made on any private land without the
 10 written approval of the landowner or before a finding that the
 11 proposed railroad project is a public use consistent with public
 12 necessity. Any land damaged by such surveys or examinations shall
 13 be restored to the same condition as prior to the survey or
 14 examination to the landowner's satisfaction, or the landowner shall
 15 receive just compensation but only if the landowner so chooses such
 16 remedy.

17 Sec. 5. A railroad proceeding under section 74-308 and
 18 sections 2 to 5 of this act shall pay all reasonable court costs
 19 and attorney's fees incurred by the owner of the property in the
 20 eminent domain action if the court finds either that the condemnor
 21 did not act in good faith in negotiating with the owner of the
 22 property or that the proposed railroad project was not found to be
 23 a public use consistent with public necessity.

24 Sec. 6. Original section 74-308, Reissue Revised
 25 Statutes of Nebraska, is repealed."

(2)

AM2185

1 1. Insert the following section:

2 "Sec. 5. Any proposed new rail line shall be constructed
 3 in or adjacent to an existing railroad transportation corridor that
 4 services the same area whenever possible. Construction other than
 5 in an existing railroad transportation corridor shall demonstrate a
 6 minimum of disruption to property rights, existing structures, and
 7 the environment along the proposed new railroad transportation
 8 corridor."

9 2. Renumber the remaining sections and correct internal

10 references accordingly.

(3)

AM2186

1 1. Insert the following section:

2 "Sec. 5. A railroad shall ensure that an environmental
3 impact statement and license for any proposed new rail line have
4 been approved by the federal Surface Transportation Board."

5 2. Renumber the remaining sections and correct internal
6 references accordingly.

(4)

AM2187

1 1. Insert the following section:

2 "Sec. 5. There is a rebuttable presumption that an
3 easement for a railroad is sufficient to accomplish the intended
4 use. A railroad claiming that a greater interest than an easement
5 is necessary to accomplish the use shall show by clear and
6 convincing evidence that the greater interest that is sought is
7 necessary to accomplish the use."

8 2. Renumber the remaining sections and correct internal
9 references accordingly.

(5)

AM2188

1 1. Insert the following section:

2 "Sec. 5. Any property obtained under section 74-308 by
3 eminent domain shall not include mineral rights. Eminent domain
4 shall not be used to obtain construction materials such as gravel,
5 dirt, or timber, which can be obtained through private
6 negotiations. If such construction materials are included in the
7 land obtained by eminent domain, the landowner shall be compensated
8 for the materials at fair market value in addition to the
9 compensation paid for the land."

10 2. Renumber the remaining sections and correct internal
11 references accordingly.

(6)

AM2189

1 1. Insert the following section:

2 "Sec. 5. If there is a partial taking of property under
3 section 74-308, the measure of compensation is the greater of the
4 value of the property rights taken or the amount by which the fair
5 market value of the entire property immediately before the taking
6 exceeds the fair market value of the remainder immediately after
7 the taking and shall include a consideration of the change in cost
8 and impact to the operation of the remaining property. The measure
9 of compensation shall also take into consideration the reasonable
10 cost of purchasing replacement property which is similar and is in

- 11 close proximity to the property taken."
 12 2. Renumber the remaining sections and correct internal
 13 references accordingly.

(7)

AM2190

- 1 1. Insert the following section:
 2 "Sec. 5. Upon abandonment by the railroad of any
 3 railroad line built on property obtained through eminent domain,
 4 the property shall revert to the party from whom the property was
 5 obtained or such party's heirs or assigns."
 6 2. Renumber the remaining sections and correct internal
 7 references accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bill and resolution:

LB/LR	Committee
LB 1445	Joint committees - Transportation and Telecommunications and Revenue (rereferred)
LR 300	Natural Resources

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 958	Tuesday, February 8, 2000	1:30 p.m.
LB 959	Tuesday, February 8, 2000	1:30 p.m.
LB 1222	Tuesday, February 8, 2000	1:30 p.m.
LB 1348	Tuesday, February 8, 2000	1:30 p.m.
LB 1382	Tuesday, February 15, 2000	1:30 p.m.
LB 1432	Tuesday, February 15, 2000	1:30 p.m.
LB 1071	Tuesday, February 15, 2000	1:30 p.m.
LB 1280	Tuesday, February 15, 2000	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 950, LB 1325, and LB 1414. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1410. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 993, LB 1243, LB 1335, and LB 1344. No objections. So ordered.

WITHDRAW - Cointroducers

Senator Dw. Pedersen withdrew his name as cointroducer to LB 1079.

Senator Schmitt withdrew his name as cointroducer to LB 1437.

VISITORS

Visitors to the Chamber were Alex Matzke and Sarah Waltz from Seward; Mattias and Anna Kroupa from Lincoln; Mary, Andrew, Ann Marie, and Doug Shinn from Dunning, and Mike and Brenda Shinn from Gibbon; and Marcie Ryan from Lincoln.

The Doctor of the Day was Dr. Jay Matzke from Seward.

MOTION - Adjournment

Senator Hilgert moved to adjourn. The motion prevailed with 15 ayes, 2 nays, 15 present and not voting, and 17 excused and not voting, and at 11:52 a.m., the Legislature adjourned until 9:00 a.m., Monday, January 31, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - JANUARY 31, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 31, 2000

PRAYER

The prayer was offered by Pastor Jimmy Shelbourne, First Presbyterian Church, Beatrice, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Crosby who was excused; and Senators Hartnett, Kiel, Kristensen, Landis, Matzke, D. Pederson, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENTS

Senator Matzke designates LB 936 as his priority bill.

Senator Beutler designates LB 414 as his priority bill.

MOTION - Approve Appointments

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 473: Nebraska Arts Council - R. Paul Sjulín; State Electrical Board - James Dietz and Riley George.

Voting in the affirmative, 33:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Dickey	Dierks	Engel	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Lynch	Matzke	Pedersen, Dw.	Price	Quandahl
Redfield	Schimek	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Connealy	Cudaback	Preister	Raikes	Schmitt
Suttle	Thompson			

Excused and not voting, 8:

Crosby	Hartnett	Kiel	Kristensen	Landis
Pederson, D.	Robak	Wickersham		

The appointments were confirmed with 33 ayes, 1 nay, 7 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 175. The second Standing Committee amendment, FA275, found on page 486, was renewed.

Senator Chambers moved to bracket LB 175 until March 25, 2000.

Senators Brashear, Bruning, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to bracket failed with 0 ayes, 16 nays, 25 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 934. Placed on General File.

LEGISLATIVE BILL 1143. Placed on General File.

LEGISLATIVE BILL 628. Placed on General File as amended.

Standing Committee amendment to LB 628:
AM2142

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 84-712, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 84-712. Except as otherwise expressly provided by
6 statute, all citizens of this state, and all other persons
7 interested in the examination of the public records, as defined in
8 section 84-712.01, are hereby fully empowered and authorized to
9 examine the same, and to make memoranda, copies using their own
10 copying or photographing equipment, and abstracts therefrom, all
11 free of charge, and, except if federal copyright law otherwise
12 provides, to obtain copies of public records at actual cost from
13 those custodians who have copying equipment available, during the
14 hours the respective offices may be kept open for the ordinary
15 transaction of business.

16 Sec. 2. Section 84-712.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 84-712.01. (1) Except when any other statute expressly
19 provides that particular information or records shall not be made
20 public, public records shall include all records and documents,
21 regardless of physical form, of or belonging to this state, any
22 county, city, village, political subdivision, or tax-supported
23 district in this state, or any agency, branch, department, board,
24 bureau, commission, council, subunit, or committee of any of the
1 foregoing. Data which is a public record in its original form
2 shall remain a public record when maintained in computer files.
3 (2) All citizens of this state and all other persons
4 interested in the examination of public records may obtain copies
5 in any form in which the public records are maintained or, as to
6 electronically maintained records, in any physical form and format
7 in which such records can be reproduced, including printouts,
8 electronic data, discs, tapes, and photocopies, from the custodian
9 of the public record. Except as otherwise expressly provided by
10 statute, the custodian of a public record may charge a fee for
11 providing copies of the public record limited to the actual cost of
12 making the copies. For photocopies, the fee shall not exceed the
13 amount of the reasonably calculated actual cost of the photocopies.
14 For printouts of computerized data on paper, the fee shall not
15 exceed the reasonably calculated actual cost of computer run time
16 and the cost of the materials for making the copy. For electronic
17 data, the fee shall not exceed the reasonably calculated actual
18 cost or (a) the computer run time, (b) any necessary analysis and
19 programming, and (c) the production of the report in the form
20 furnished to the requester. State agencies which provide
21 electronic access to public records through a gateway service shall
22 obtain approval of their proposed reasonable fees or such records
23 pursuant to sections 84-1205.02 and 84-1205.03, if applicable, and

24 the cost may include the approved fee for the gateway service.
25 This subsection shall not be construed to require a governmental
26 entity or any custodian of public records to acquire additional
27 computer capability, equipment, software, or new technically
1 trained employees in order to generate or format any public record
2 in a new form or in a format modified from that in which such
3 records are stored or maintained.

4 (3) Upon receipt of a request for access to or copies of
5 a public record, the custodian of the public record to whom the
6 request is directed shall (a) provide access to and, if copying
7 equipment is reasonably available, copies of the public record, or
8 (b) if there is a legal basis for denial of access and copies,
9 provide a written denial of the request together with the
10 information specified in section 84-712.04 as soon as is
11 practicable and without delay, but not more than three business
12 days after actual receipt of the request. If the entire request
13 for copies of public records cannot with reasonable good faith
14 efforts be fulfilled within three business days after actual
15 receipt of the request due to the exceptional nature of the
16 extensiveness of the request, the custodian shall within that time
17 period provide the requester a written explanation, including the
18 earliest practicable date for furnishing the copies, an estimate of
19 the expected cost, and an opportunity for the requester to modify
20 or prioritize the request.

21 (4) When a custodian of a public record of a county which
22 has a population of one hundred thousand inhabitants or more as
23 determined by the most recent federal decennial census provides to
24 a member of the public, upon request, a copy of the public record
25 by transmitting it from a modem to an outside modem, a reasonable
26 fee may be charged for such specialized service. Such fee may
27 include a reasonable amount representing a portion of the
1 amortization of the cost of computer equipment, including software,
2 necessarily added in order to provide such specialized service.
3 This subsection shall not be construed to require a governmental
4 entity to acquire computer capability to generate public records in
5 a new or different form when that new form would require additional
6 computer equipment or software not already possessed by the
7 governmental entity.

8 (3) (5) Sections 84-712 to 84-712.03 shall be liberally
9 construed whenever any state, county, or political subdivision
10 fiscal records, audit, warrant, voucher, invoice, purchase order,
11 requisition, payroll, check, receipt, or other record of receipt,
12 cash, or expenditure involving public funds is involved in order
13 that the citizens of this state shall have the full right to know
14 of and have full access to information on the public finances of
15 the government and the public bodies and entities created to serve
16 them.

17 Sec. 3. Original sections 84-712 and 84-712.01, Reissue
18 Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 1128. Placed on General File as amended.
Standing Committee amendment to LB 1128:
AM2067

1 1. Strike original sections 13 and 15 and insert the
2 following new sections:
3 "Sec. 18. Section 14-1806, Revised Statutes Supplement,
4 1998, is amended to read:
5 14-1806. The authority shall have the continuing power
6 to borrow money for the purpose of acquiring any transportation
7 system and necessary cash working funds, or for reconstructing,
8 extending, or improving its transportation system or any part
9 thereof, and for acquiring any property and equipment useful for
10 the reconstruction, extension, improvement, and operation of its
11 transportation system or any part thereof. For the purpose of
12 evidencing the obligation of the authority to repay any money
13 borrowed as aforesaid, the authority may pursuant to resolution
14 adopted by the board from time to time issue and dispose of its
15 interest-bearing revenue bonds or certificates. It may also from
16 time to time issue and dispose of its interest-bearing revenue
17 bonds or certificates to refund any bonds or certificates at
18 maturity, or pursuant to redemption provisions, or at any time
19 before maturity with the consent of the holders thereof. All such
20 bonds and certificates shall be payable solely from the revenue or
21 income to be derived from the transportation system, from such tax
22 receipts as may be herein authorized, and from such grants and
23 loans as may be received. Such bonds and certificates may bear
24 such date or dates, may mature at such time or times as may be
1 fixed by the board, may bear interest at such rate or rates as may
2 be fixed by the board, payable semiannually, may be in such form,
3 may carry such registration privileges, may be executed in such
4 manner, may be payable at such place or places, may be made subject
5 to redemption in such manner and upon such terms with or without
6 premium as is stated on the face thereof, may be authenticated in
7 such manner, and may contain such terms and covenants as may be
8 provided in such resolution. ~~The bonds may be registered in the~~
9 ~~manner prescribed by sections 10-201 to 10-209.~~ Notwithstanding
10 the form or tenor thereof and in the absence of an express recital
11 on the face thereof that they are nonnegotiable, all such bonds and
12 certificates shall be negotiable instruments. Pending the
13 preparation and execution of any such bonds or certificates,
14 temporary bonds or certificates may be issued with or without
15 interest coupons as may be provided by resolution of the board. To
16 secure the payment of any or all of such bonds or certificates, and
17 for the purpose of setting forth the covenants and undertakings of
18 the authority in connection with the issuance thereof, and the
19 issuance of any additional bonds or certificates, as well as the
20 use and application of the revenue or income to be derived from the
21 transportation system, and from such tax receipts as may be herein
22 authorized, and from any grants or loans, as provided in the

23 Transit Authority Law, the authority may execute and deliver a
24 trust agreement or agreements. No lien upon any physical property
25 of the authority shall be created by such trust agreement or
26 agreements. A remedy for any breach or default of the terms of any
27 such trust agreement by the authority may be by mandamus or other
1 appropriate proceedings in any court of competent jurisdiction to
2 compel performance and compliance therewith. The trust agreement
3 may prescribe by whom or on whose behalf such action may be
4 instituted.

5 Sec. 20. Section 18-1805, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 18-1805. The provisions of sections 18-1803 to 18-1805
8 shall not in any way govern, impair, or restrict the issuance of
9 revenue bonds authorized by the municipality prior to October 23,
10 1967.

11 The provisions of sections 18-1803 to 18-1805 shall be
12 independent of and in addition to any other provisions of the laws
13 of the State of Nebraska or provisions of home rule charters, and
14 revenue bonds may be issued under the provisions of sections
15 18-1803 to 18-1805 for any purpose authorized in such sections even
16 though other provisions of the laws of the State of Nebraska or
17 provisions of home rule charters may provide for the issuance of
18 revenue bonds for the same or similar purposes. The provisions of
19 sections 18-1803 to 18-1805 shall not be considered amendatory of
20 or limited by any other provisions of the laws of the State of
21 Nebraska or provisions of home rule charters, and revenue bonds may
22 be issued under the provisions of sections 18-1803 to 18-1805
23 without complying with the restrictions or requirements of any
24 other provisions of the laws of the State of Nebraska, except the
25 provisions of ~~sections 10-201 and section~~ 10-201.01 and when
26 specifically required by sections 18-1803 to 18-1805, or without
27 complying with the restrictions or requirements of home rule
1 charters. Nothing in sections 18-1803 to 18-1805 shall prohibit or
2 limit the issuance of revenue bonds in accordance with the
3 provisions of other applicable laws of the State of Nebraska or of
4 home rule charters if the governing body shall determine to issue
5 such revenue bonds under such other laws or charter; or otherwise
6 limit the provisions of any home rule charter.

7 Sec. 37. Since an emergency exists, this act takes
8 effect when passed and approved according to law".

9 2. On page 9, strike beginning with "No" in line 19
10 through line 21 and show as stricken.

11 3. On page 10, strike beginning with "as" in line 26
12 through "10-201" in line 27 and show as stricken.

13 4. On page 29, line 9, strike "10-201 to 10-202" and
14 insert "10-201.01" and after "17-968" insert "18-1805,"; in line 12
15 strike "section" and insert "sections 14-1806 and"; and in line 15
16 after "10-121," insert "10-201, 10-202,".

17 5. Renumber the remaining sections accordingly.

(Signed) DiAnna R. Schimek, Chairperson

General Affairs

LEGISLATIVE BILL 977. Placed on General File.

(Signed) Ray Janssen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers moved to reconsider the vote on his motion to bracket until March 25, 2000, found in this day's Journal.

Senators Engel, Dierks, and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 14 nays, 23 present and not voting, and 11 excused and not voting.

Pending.

UNANIMOUS CONSENT - Members Excused

Senators Wehrbein, Matzke, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 1327	Thursday, February 10, 2000	1:30 p.m.
LB 1343	Thursday, February 10, 2000	1:30 p.m.
LB 1394	Thursday, February 10, 2000	1:30 p.m.

Friday, February 11, 2000	1:30 p.m.
Nebraska Ethanol Board	
Lee Grove	

LB 1381	Thursday, February 17, 2000	1:30 p.m.
LB 1393	Thursday, February 17, 2000	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Health and Human Services

LB 735	Thursday, February 10, 2000 (rehearing)	1:30 p.m.
LB 914	Thursday, February 10, 2000	1:30 p.m.
LB 1139	Thursday, February 10, 2000	1:30 p.m.
LB 1231	Thursday, February 10, 2000	1:30 p.m.

LB 1274	Thursday, February 10, 2000	1:30 p.m.
LB 1407	Thursday, February 10, 2000	1:30 p.m.
LB 1033	Friday, February 11, 2000	1:30 p.m.
LB 1164	Friday, February 11, 2000	1:30 p.m.
LB 1167	Friday, February 11, 2000	1:30 p.m.
LB 1194	Friday, February 11, 2000	1:30 p.m.
LB 1352	Friday, February 11, 2000	1:30 p.m.
LB 1392	Friday, February 11, 2000	1:30 p.m.
LB 1210	Wednesday, February 16, 2000	1:30 p.m.
LB 1225	Wednesday, February 16, 2000	1:30 p.m.
LB 1264	Wednesday, February 16, 2000	1:30 p.m.
LB 1300	Wednesday, February 16, 2000	1:30 p.m.
LB 1408	Wednesday, February 16, 2000	1:30 p.m.
LB 1101	Thursday, February 17, 2000	1:30 p.m.
LB 1321	Thursday, February 17, 2000	1:30 p.m.
LB 1388	Thursday, February 17, 2000	1:30 p.m.
LB 1211	Wednesday, February 23, 2000	1:30 p.m.
LB 1212	Wednesday, February 23, 2000	1:30 p.m.
LB 1261	Wednesday, February 23, 2000	1:30 p.m.
LB 1298	Wednesday, February 23, 2000	1:30 p.m.
LB 1366	Wednesday, February 23, 2000	1:30 p.m.

(Signed) Jim Jensen, Chairperson

Education

LB 1226	Monday, February 7, 2000	2:30 p.m.
LB 1227	Monday, February 7, 2000	2:30 p.m.
LB 1228	Monday, February 7, 2000	2:30 p.m.
LB 1336	Monday, February 7, 2000	2:30 p.m.
LB 1364	Monday, February 7, 2000	2:30 p.m.
LB 1058	Tuesday, February 8, 2000	1:30 p.m.
LB 1107	Tuesday, February 8, 2000	1:30 p.m.
LB 1169	Tuesday, February 8, 2000	1:30 p.m.
LB 1278	Tuesday, February 8, 2000	1:30 p.m.
LB 1324	Tuesday, February 8, 2000	1:30 p.m.
LB 1436	Tuesday, February 8, 2000	1:30 p.m.
LB 909	Monday, February 14, 2000	1:30 p.m.
LB 1243	Monday, February 14, 2000	1:30 p.m.
LB 1334	Monday, February 14, 2000	1:30 p.m.
LB 1335	Monday, February 14, 2000	1:30 p.m.
LB 1406	Monday, February 14, 2000	1:30 p.m.

LB 1245	Tuesday, February 15, 2000	1:30 p.m.
LB 1246	Tuesday, February 15, 2000	1:30 p.m.
LB 1290	Tuesday, February 15, 2000	1:30 p.m.
LB 1329	Tuesday, February 15, 2000	1:30 p.m.
LB 1379	Tuesday, February 15, 2000	1:30 p.m.
LB 1433	Tuesday, February 15, 2000	1:30 p.m.
LB 1236	Tuesday, February 22, 2000	1:30 p.m.
LB 1385	Tuesday, February 22, 2000	1:30 p.m.
LB 1401	Tuesday, February 22, 2000	1:30 p.m.
LB 1403	Tuesday, February 22, 2000	1:30 p.m.
LB 1441	Tuesday, February 22, 2000	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers offered the following amendment to the second Standing Committee amendment:

FA279

P. 3, lines 5 & 14 strike "five" and insert "one"

SENATOR CUDABACK PRESIDING

The Chambers amendment lost with 0 ayes, 8 nays, 28 present and not voting, and 13 excused and not voting.

Senator Chambers moved to reconsider the vote on the Chambers amendment, FA279.

Senators Suttle and Janssen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers motion to reconsider failed with 1 aye, 29 nays, 7 present and not voting, and 12 excused and not voting.

Pending.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS Banking, Commerce and Insurance

LB 1197	Monday, February 7, 2000	1:30 p.m.
LB 1248	Monday, February 7, 2000	1:30 p.m.
LB 1271	Monday, February 7, 2000	1:30 p.m.
LB 1341	Monday, February 7, 2000	1:30 p.m.

LB 1156	Tuesday, February 8, 2000	1:30 p.m.
LB 1176	Tuesday, February 8, 2000	1:30 p.m.
LB 1207	Tuesday, February 8, 2000	1:30 p.m.
LB 1402	Tuesday, February 8, 2000	1:30 p.m.
LB 1416	Tuesday, February 8, 2000	1:30 p.m.
LB 1060	Monday, February 14, 2000	1:30 p.m.
LB 1177	Monday, February 14, 2000	1:30 p.m.
LB 1389	Monday, February 14, 2000	1:30 p.m.
LB 1437	Monday, February 14, 2000	1:30 p.m.
LB 1078	Tuesday, February 15, 2000	1:30 p.m.
LB 1250	Tuesday, February 15, 2000	1:30 p.m.
LB 1253	Tuesday, February 15, 2000	1:30 p.m.
LB 1267	Tuesday, February 15, 2000	1:30 p.m.
LB 1318	Tuesday, February 22, 2000	1:30 p.m.
LB 1387	Tuesday, February 22, 2000	1:30 p.m.
LB 1440	Tuesday, February 22, 2000	1:30 p.m.
LB 1442	Tuesday, February 22, 2000	1:30 p.m.

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers offered the following amendment to the second Standing Committee amendment:

FA280

Page 3, lines 5 & 14 strike "five" and insert "two"

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment lost with 0 ayes, 3 nays, 34 present and not voting, and 12 excused and not voting.

Senators Byars, Stuhr, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to reconsider the vote on the Chambers amendment, FA280.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to reconsider failed with 0 ayes, 3 nays, 31 present and not voting, and 15 excused and not voting.

Pending.

ANNOUNCEMENTS

Senator Bourne designates LB 1125 as his priority bill.

Senator Kiel designates LB 155 as her priority bill.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 948. Placed on General File.

LEGISLATIVE BILL 924. Indefinitely postponed.

LEGISLATIVE BILL 962. Indefinitely postponed.

LEGISLATIVE BILL 1082. Indefinitely postponed.

LEGISLATIVE BILL 1099. Indefinitely postponed.

LEGISLATIVE BILL 1109. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS**Natural Resources**

LR 300 Wednesday, February 16, 2000 1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Revenue/Transportation and Telecommunications

LB 1445 Monday, February 28, 2000 1:30 p.m.

(Signed) William R. Wickersham, Chairperson

(Signed) Curt Bromm, Chairperson

Revenue

LR 299 Wednesday, February 23, 2000 2:30 p.m.

LB 919 Wednesday, February 23, 2000 2:30 p.m.

LB 1372 Wednesday, February 23, 2000 2:30 p.m.

LB 1307 Wednesday, February 23, 2000 2:30 p.m.

LB 1438 Wednesday, February 23, 2000 2:30 p.m.

LB 1173 Wednesday, February 23, 2000 2:30 p.m.

LB 1254 Thursday, February 24, 2000 1:30 p.m.

LB 1255 Thursday, February 24, 2000 1:30 p.m.

LB 1418 Thursday, February 24, 2000 1:30 p.m.

LB 1303 Thursday, February 24, 2000 1:30 p.m.

LB 1428 Thursday, February 24, 2000 1:30 p.m.

LB 1429 Thursday, February 24, 2000 1:30 p.m.

LB 1376	Thursday, February 24, 2000	1:30 p.m.
LB 946	Friday, February 25, 2000	2:30 p.m.
LB 1061	Friday, February 25, 2000	2:30 p.m.
LB 1063	Friday, February 25, 2000	2:30 p.m.
LB 1358	Friday, February 25, 2000	2:30 p.m.
LB 1316	Monday, February 28, 2000	1:30 p.m.
LB 1067	Monday, February 28, 2000	1:30 p.m.
LB 916	Monday, February 28, 2000	1:30 p.m.
LB 1041	Monday, February 28, 2000	1:30 p.m.
LB 1187	Monday, February 28, 2000	1:30 p.m.

(Signed) William R. Wickersham, Chairperson

WITHDRAW - Cointroducer

Senator Schmitt withdrew his name as cointroducer to LB 1394.

UNANIMOUS CONSENT - Add Cointroducers

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 1095. No objections. So ordered.

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 1174. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1363. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 1422. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1102. No objections. So ordered.

VISITORS

Visitors to the Chamber were 37 second grade students and teachers from Lakeview Elementary School, Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, February 1, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 1, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 1, 2000

PRAYER

The prayer was offered by Pastor Ray Larson, First Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Landis who was excused; and Senators Brown, Byars, Dierks, Kiel, Matzke, Robak, Schrock, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS**Agriculture**

LEGISLATIVE BILL 957. Placed on General File.

LEGISLATIVE BILL 964. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Approve Appointments

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on pages 488 and 489: State Highway Commission - Duane Acklie, Jerome Fagerland, John Kingsbury, and Greg Wolford.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Bromm	Bruning
Crosby	Dickey	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Redfield	Schmitt	Schrock
Smith	Thompson	Vrtiska	Wehrbein	

Voting in the negative, 1:

Chambers

Present and not voting, 10:

Beutler	Bohlke	Connealy	Coordsen	Cudaback
Preister	Raikes	Stuhr	Suttle	Tyson

Excused and not voting, 9:

Brashear	Brown	Byars	Dierks	Kiel
Landis	Robak	Schimek	Wickersham	

The appointments were confirmed with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS**Judiciary**

LEGISLATIVE BILL 613. Placed on General File.

LEGISLATIVE BILL 690. Placed on General File.

LEGISLATIVE BILL 1081. Placed on General File.

LEGISLATIVE BILL 414. Placed on General File as amended.

(Standing Committee amendment, AM2008, 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 998. Placed on General File as amended.

Standing Committee amendment to LB 998:

AM2179

1 1. On page 3, after line 6, insert the following:

2 "For purposes of this section, the definition of record
 3 in section 84-1202 shall apply."

LEGISLATIVE BILL 39. Indefinitely postponed.
LEGISLATIVE BILL 70. Indefinitely postponed.
LEGISLATIVE BILL 75. Indefinitely postponed.
LEGISLATIVE BILL 159. Indefinitely postponed.
LEGISLATIVE BILL 219. Indefinitely postponed.
LEGISLATIVE BILL 374. Indefinitely postponed.
LEGISLATIVE BILL 391. Indefinitely postponed.
LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 466. Indefinitely postponed.
LEGISLATIVE BILL 627. Indefinitely postponed.
LEGISLATIVE BILL 908. Indefinitely postponed.

The Judiciary Committee desires to report favorable upon the proposal listed below. The Committee suggests the proposal be confirmed by the Legislature and suggests a record vote.

A proposal to designate the Nebraska State Treasurer's Office as the vendor to operate the State Disbursement Unit for receiving and disbursing child support payments, as provided in LB 637 from 1999.

VOTE: Aye: Senators Baker, Bourne, Brashear, Chambers, Connealy, Hilgert, Dw. Pedersen, and Robak. Nay: None. Absent: None.

(Signed) Kermit A. Brashear, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 482A. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 482, Ninety-sixth Legislature, Second Session, 2000.

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers offered the following amendment to the second Standing Committee amendment:

FA281

Page 3, lines 5 & 14 strike "five" and insert "three"

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers moved to bracket LB 175 until March 31, 2000.

Senators Bruning, Beutler, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to his pending motion to bracket:

FA282

Amend Bracket Motion

Change date to April 1, 2000

Pending.

ANNOUNCEMENTS

Senator Bohlke designates LB 1436 as her priority bill.

Senator Suttle designates LB 1399 as her priority bill.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 480A:
AM2227

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 11 and 12, after "Fund" insert "and
- 2 \$10,000 from the Women's Health Initiative Fund".

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 1328. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. The Chambers pending amendment, FA282, found in this day's Journal, to the pending motion to bracket, was renewed.

The Chambers amendment lost with 6 ayes, 13 nays, 22 present and not voting, and 8 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers pending motion to bracket until March 31, 2000, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with

6 ayes, 1 nay, and 42 not voting.

Senator Hilgert requested a record vote on the motion to bracket.

Voting in the affirmative, 6:

Kiel	Lynch	Raikes	Robak	Schimek
Thompson				

Voting in the negative, 28:

Aguilar	Baker	Bromm	Brown	Crosby
Cudaback	Dickey	Engel	Hartnett	Hilgert
Hudkins	Jensen	Kremer	Kristensen	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Redfield	Schrock	Smith	Stuhr	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 7:

Bohlke	Bourne	Chambers	Connealy	Coordsen
Schmitt	Suttle			

Excused and not voting, 8:

Beutler	Brashear	Bruning	Byars	Dierks
Janssen	Jones	Landis		

The Chambers motion to bracket failed with 6 ayes, 28 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Chambers motion to bracket LB 175 until March 31, 2000.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 8 nays, 31 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following amendment to the second Standing Committee amendment:

FA283

Page 3, lines 5 & 14, strike new matter and reinstate stricken matter.

Senators Hartnett and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 10 ayes, 2 nays, and 37 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Connealy Suttle

Voting in the negative, 27:

Aguilar	Baker	Brown	Bruning	Coordsen
Crosby	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Schrock	Smith	Stuhr
Tyson	Wehrbein			

Present and not voting, 15:

Bohlke	Bourne	Bromm	Byars	Chambers
Cudaback	Dickey	Dierks	Raikes	Robak
Schimek	Schmitt	Thompson	Vrtiska	Wickersham

Excused and not voting, 5:

Beutler	Brashear	Hartnett	Kiel	Landis
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The Chambers amendment lost with 2 ayes, 27 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

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

LEGISLATIVE BILL 193. Indefinitely postponed.
LEGISLATIVE BILL 206. Indefinitely postponed.
LEGISLATIVE BILL 233. Indefinitely postponed.
LEGISLATIVE BILL 349. Indefinitely postponed.
LEGISLATIVE BILL 430. Indefinitely postponed.
LEGISLATIVE BILL 718. Indefinitely postponed.
LEGISLATIVE BILL 728. Indefinitely postponed.
LEGISLATIVE BILL 847. Indefinitely postponed.
LEGISLATIVE BILL 933. Indefinitely postponed.
LEGISLATIVE BILL 1106. Indefinitely postponed.

LEGISLATIVE RESOLUTION 8CA. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources**LEGISLATIVE BILL 1069.** Placed on General File.

(Signed) Edward J. Schrock, Chairperson

ANNOUNCEMENTS

Senator Vrtiska designates LB 1222 as his priority bill.

Senator Byars designates LB 950 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Wednesday, February 9, 2000	1:30 p.m.
State Emergency Response Commission	
Mark Reimers	

LB 1292	Wednesday, February 9, 2000	1:30 p.m.
LB 1191	Wednesday, February 9, 2000	1:30 p.m.
LB 1145	Wednesday, February 9, 2000	1:30 p.m.
LB 1252	Wednesday, February 9, 2000	1:30 p.m.

Friday, February 11, 2000	1:30 p.m.
State Personnel Board	
Samuel F. Seever	

LB 1179	Friday, February 11, 2000	1:30 p.m.
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LR 287CA	Friday, February 11, 2000	1:30 p.m.
LR 298	Friday, February 11, 2000	1:30 p.m.

LB 1415	Friday, February 11, 2000	1:30 p.m.
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(Signed) DiAnna R. Schimek, Chairperson

Revenue

LB 1114	Tuesday, February 29, 2000	1:30 p.m.
LB 1230	Tuesday, February 29, 2000	1:30 p.m.
LB 1180	Tuesday, February 29, 2000	1:30 p.m.
LB 1193	Tuesday, February 29, 2000	1:30 p.m.
LB 1374	Tuesday, February 29, 2000	1:30 p.m.
LB 1444	Tuesday, February 29, 2000	1:30 p.m.

LB 1024 Tuesday, February 29, 2000

1:30 p.m.

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 175. Senator Chambers moved to reconsider the vote on the Chambers amendment, FA283.

Senator Hilgert moved to invoke cloture on LB 175, pursuant to Rule 7, Section 10.

Senator Hilgert moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Hilgert requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 39:

Aguilar	Baker	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Redfield	Robak	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 5:

Bohlke	Bourne	Bromm	Chambers	Schimek
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Present and not voting, 1:

Raikes

Excused and not voting, 4:

Beutler	Brashear	Kiel	Landis
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The Hilgert motion to invoke cloture prevailed with 39 ayes, 5 nays, 1 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on his motion to reconsider the vote on the Chambers amendment, FA283.

Voting in the affirmative, 2:

Chambers	Connealy
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Voting in the negative, 38:

Aguilar	Baker	Bohlke	Bourne	Bromm
Brown	Bruning	Byars	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 5:

Hartnett	Robak	Schimek	Schmitt	Suttle
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Excused and not voting, 4:

Beutler	Brashear	Kiel	Landis
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The Chambers motion to reconsider failed with 2 ayes, 38 nays, 5 present and not voting, and 4 excused and not voting.

The second Standing Committee amendment, FA275, is found on page 486.

The third Standing Committee amendment is as follows:

FA276

10 4. On page 7, line 1, strike "20-131.04,".

11 5. Renumber the remaining sections accordingly.

The balance of the Standing Committee amendment, FA275 and FA276, was adopted with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting. (The Standing Committee amendment, AM0648, was adopted in its entirety.)

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Aguilar	Baker	Bromm	Brown	Bruning
Byars	Crosby	Cudaback	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 11:

Bohlke	Bourne	Chambers	Connealy	Coordsen
Dickey	Dierks	Robak	Schimek	Suttle
Thompson				

Present and not voting, 2:

Engel Schmitt

Excused and not voting, 4:

Beutler Brashear Kiel Landis

Advanced to E & R for review with 32 ayes, 11 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of

Partnerships for Economic Development Act 1999 Annual Report

Health and Human Services System

Disabled Persons and Family Support Program Annual Report

Finance and Support Report on number of adults declared ineligible for cash assistance under section 68-1723

Labor, Department of

State Labor Area Summaries for December 1999

Strategic Five-Year State Workforce Investment Plan for Title 1 of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 1183	Tuesday, February 8, 2000	1:30 p.m.
LB 1301	Tuesday, February 8, 2000	1:30 p.m.
LB 1315	Tuesday, February 8, 2000	1:30 p.m.
LB 1320	Tuesday, February 8, 2000	1:30 p.m.
LB 1367	Tuesday, February 8, 2000	1:30 p.m.
LB 1378	Tuesday, February 8, 2000	1:30 p.m.
LB 1098	Tuesday, February 15, 2000	1:30 p.m.
LB 1235	Tuesday, February 15, 2000	1:30 p.m.
LB 1306	Tuesday, February 15, 2000	1:30 p.m.
LB 1313	Tuesday, February 15, 2000	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENTS

Senator Hartnett designates LB 1405 as his priority bill.

Senator Stuhr designates LB 812 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Robak asked unanimous consent to have her name added as cointroducer to LB 1405. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Hilgert filed the following amendment to LB 175:
AM2204

(Amendments to FA276)

- 1 1. Strike amendments 4 and 5 and insert the following
- 2 new amendments:
- 3 "1. Strike original section 6.
- 4 2. On page 5, line 7, strike the new matter and
- 5 reinstate the stricken matter.
- 6 3. On page 6, line 6, strike 'five' and insert 'three';
- 7 and in line 7 after 'issuance' insert 'and service'.
- 8 4. On page 7, line 2, strike '76-1446, and 76-1483' and
- 9 insert 'and 76-1446'.
- 10 5. Renumber the remaining section accordingly."

VISITORS

Visitors to the Chamber were Senator Kristensen's mother, Mary Lou Kristensen, from Minden and 42 members of Delta Kappa Gamma from across the state; 17 students and teachers from Culler Middle School, Lincoln; and Kathy Tripp, Nancy Booth, Leann Quist, Rodney Thiemann, Kent Grisham, Wyman Nelson, and Tim Armstrong from Blair.

The Doctor of the Day was Dr. Denise Hooks-Anderson from Lincoln.

MOTION - Adjournment

Senator Smith moved to adjourn.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 37:

Aguilar	Baker	Bourne	Bromm	Bruning
Byars	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen

Lynch	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Bohlke	Brown	Janssen	Matzke	Pedersen, Dw.
Schrock	Wickersham			

Excused and not voting, 4:

Beutler	Brashear	Kiel	Landis
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The Smith motion to adjourn prevailed with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting, and at 11:56 a.m., the Legislature adjourned until 9:00 a.m., Wednesday, February 2, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 2, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 2, 2000

PRAYER

The prayer was offered by Pastor Robert Edwards, South Gate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Bohlke, Dierks, Hartnett, Kiel, Kristensen, Landis, Matzke, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 511, line 7, strike "27" and insert "28".
The Journal for the eighteenth day was approved as corrected.

**NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs**

Thursday, February 10, 2000	1:30 p.m.
State Emergency Response Commission	
Christine Bleich	
Kim Herald	
Steve Wood	
LB 717 Thursday, February 10, 2000 (rehearing)	1:30 p.m.
(AM2003)	
LB 1262 Thursday, February 10, 2000	1:30 p.m.
LB 1304 Thursday, February 10, 2000	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

MOTION – Approve Report

Senator Brashear moved the adoption of the report of the Judiciary Committee for the proposal to designate the Nebraska State Treasurer's Office as the vendor to operate the State Disbursement Unit for receiving and disbursing child support payments, as provided in LB 637 from 1999, found on page 509.

Voting in the affirmative, 34:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Byars	Chambers	Connealy	Crosby
Dickey	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Landis
Pedersen, Dw.	Pederson, D.	Preister	Price	Redfield
Robak	Schmitt	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Coordsen	Cudaback	Lynch	Quandahl
Raikes	Schimek	Schrock	Wickersham	

Excused and not voting, 6:

Bohlke	Bruning	Dierks	Kiel	Kristensen
Matzke				

The report was approved with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Senator Dw. Pedersen requested to pass over LB 864.

LEGISLATIVE BILL 510. Title read. Considered.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Pending.

MOTION - Print in Journal

Senator Schimek filed the following motion to LB 349:
Pursuant to Rule 3, Section 17, to refer LB 349 back to Government, Military and Veterans Affairs Committee.

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 Arts Council
Meredith Zutavern

VOTE: Aye: Senators Cudaback, Dickey, Hartnett, Janssen, Quandahl, Schrock, and Smith. Nay: None. Absent: Senator Connealy.

(Signed) Ray Janssen, Chairperson

NOTICE OF COMMITTEE HEARING Revenue

Thursday, March 2, 2000	2:00 p.m.
Tax Equalization and Review Commission	
Mark Reynolds	
LR 293CA Thursday, March 2, 2000	2:00 p.m.
LB 1276 Thursday, March 2, 2000	2:00 p.m.
LB 1345 Thursday, March 2, 2000	2:00 p.m.

(Signed) William R. Wickersham, Chairperson

STANDING COMMITTEE REPORTS General Affairs

LEGISLATIVE BILL 976. Placed on General File.
LEGISLATIVE BILL 982. Placed on General File.
LEGISLATIVE BILL 1086. Placed on General File.

LEGISLATIVE BILL 973. Placed on General File as amended.

Standing Committee amendment to LB 973:

AM2218

- 1 1. Strike section 1 and insert the following new
 2 section:
 3 "Section 1. Section 53-192, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 53-192. ~~No person or common carrier shall haul or~~
 6 ~~transport alcoholic liquor, except beer, whether by boat, airplane,~~
 7 ~~automobile, truck, wagon, or other conveyance, in or into this~~
 8 ~~state, for sale, or for storage and sale in this state, upon which~~
 9 ~~the required labeling or gauging fee, tax, duty, or license has not~~
 10 ~~been paid. A person or common carrier shall not haul or transport~~
 11 alcoholic liquor, whether by boat, airplane, automobile, truck,
 12 wagon, or other conveyance, in or into this state for personal use,
 13 for sale, or for storage and sale in this state unless the required
 14 labeling or gauging fee, tax, duty, or license has been paid,
 15 either in this state or the state where such alcoholic liquor was
 16 purchased."

LEGISLATIVE BILL 975. Placed on General File as amended.

Standing Committee amendment to LB 975:

AM2093

- 1 1. On page 2, lines 11 and 12, strike the new matter and
 2 reinstate the stricken matter.

LEGISLATIVE BILL 1150. Placed on General File as amended.

Standing Committee amendment to LB 1150:

AM2243

- 1 1. On page 2, line 20, strike "fifteen" and insert
 2 "twenty".

LEGISLATIVE BILL 912. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

GENERAL FILE**LEGISLATIVE BILL 510.** Considered.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers 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 33 ayes, 12 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 1312	Monday, February 14, 2000	1:30 p.m.
LB 1342	Monday, February 14, 2000	1:30 p.m.
LB 1363	Monday, February 14, 2000	1:30 p.m.
LB 1384	Monday, February 14, 2000	1:30 p.m.
LB 1443	Monday, February 14, 2000	1:30 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Natural Resources

LB 1395	Wednesday, February 16, 2000 (cancel)	1:30 p.m.
LB 1395	Thursday, February 17, 2000 (reschedule)	1:30 p.m.
LB 1381	Thursday, February 17, 2000 (cancel)	1:30 p.m.
LB 1381	Wednesday, February 16, 2000 (reschedule)	1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

Judiciary

Wednesday, February 9, 2000	1:30 p.m.
Board of Parole	
Mike Gomez	
Crime Victims Reparation Committee	
William Brueggemann	
Scot Ford	

LB 994	Wednesday, February 9, 2000	1:30 p.m.
LB 1386	Wednesday, February 9, 2000	1:30 p.m.
LB 1133	Wednesday, February 9, 2000	1:30 p.m.
LB 1165	Thursday, February 10, 2000	1:30 p.m.
LB 1166	Thursday, February 10, 2000	1:30 p.m.
LB 1344	Thursday, February 10, 2000	1:30 p.m.
LB 1391	Thursday, February 10, 2000	1:30 p.m.
LB 1435	Thursday, February 10, 2000	1:30 p.m.
LB 1091	Friday, February 11, 2000	1:30 p.m.
LB 1142	Friday, February 11, 2000	1:30 p.m.
LB 1205	Friday, February 11, 2000	1:30 p.m.
LB 1229	Friday, February 11, 2000	1:30 p.m.
LB 1325	Friday, February 11, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1178. Placed on General File.

LEGISLATIVE BILL 1209. Placed on General File.

LEGISLATIVE BILL 1208. Placed on General File as amended.

Standing Committee amendment to LB 1208:

AM2207

- 1 1. On page 7, line 12, strike "2001" and insert "2000".
- 2 2. On page 8, line 18, strike "a" and insert "the"; and
- 3 in line 20 strike "(2)(c)(ii)(B)" and insert "(2)(b)(ii)(B)".
- 4 3. Strike beginning with "Except" on page 19, line 26,
- 5 through the period on page 20, line 4, and show the old matter as
- 6 stricken.

(Signed) David M. Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 904. Placed on General File as amended.

Standing Committee amendment to LB 904:

AM2236

- 1 1. On page 2, line 18, strike "areas" and insert
- 2 "acres".
- 3 2. On page 3, line 8, after "designated" insert ". This
- 4 subdivision may be implemented whenever the district determines the
- 5 impact on surface water supplies or the depletion or contamination
- 6 of the ground water supply in the management area or any portion of
- 7 the management area cannot be protected through implementation of
- 8 reasonable controls specified in subdivisions (1)(a) through (1)(j)
- 9 of this section".
- 10 3. On page 6, line 21, strike "not" through the period,
- 11 show as stricken, and insert an underscored period.

LEGISLATIVE BILL 992. Placed on General File as amended.

Standing Committee amendment to LB 992:

AM2245

- 1 1. On page 4, strike lines 6 through 11 and insert
- 2 "shall be no more than twice the total of any other proceeds
- 3 received by the Green Futures Trust Fund for the same year. Such
- 4 grants, considered in the aggregate, shall in no case exceed fifty
- 5 percent of the total proceeds credited to the Nebraska
- 6 Environmental Trust Fund pursuant to section 9-812 for that year".

LEGISLATIVE BILL 1112. Placed on General File as amended.

Standing Committee amendment to LB 1112:

AM2237

1 1. Strike sections 13 to 16 and insert the following new
2 sections:

3 "Sec. 11. Section 46-1214.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 46-1214.01. Water well monitoring supervisor shall mean
6 any individual engaged solely in the measuring of ground water
7 levels, the collection of ground water samples from existing water
8 wells, or the inspection of installed water well equipment, pumping
9 systems, or chemigation regulation devices. The term Water well
10 monitoring supervisor shall not include: (1) An individual who
11 constructs or decommissions a water well or installs or repairs
12 pumps or pumping equipment or a water well; or (2) an individual
13 who carries out the measurement, sampling, or inspection of a water
14 well which is on land owned by him or her and used by him or her
15 for farming, ranching, or agricultural purposes or as his or her
16 place of abode.

17 Sec. 14. Section 46-1229, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-1229. Each water well contractor or pump installation
20 contractor desiring to engage in the construction of water wells,
21 the decommissioning of water wells, or the installation of pumps
22 and pumping equipment shall make initial application for a license
23 to the department. Each such application shall include
24 satisfactory evidence that the applicant is at least the age of

1 majority and is of good moral character. The department shall
2 charge an application fee set by the board pursuant to section
3 46-1224 for the filing of such application. The department shall
4 not act upon any application until the application fee for such
5 license has been paid. A license to engage in the construction of
6 water wells, the decommissioning of water wells, or the
7 installation of pumps and pumping equipment shall be issued to
8 every applicant who demonstrates professional competence by
9 successfully passing the examination prescribed in section 46-1223,
10 pays the appropriate license fee, and otherwise complies with the
11 Water Well Standards and Contractors' Licensing Act and all
12 standards, rules, and regulations adopted and promulgated pursuant
13 to such act. Applicants shall receive licenses for any category or
14 combination of categories for which they have successfully passed
15 the required examination. If the applicant is an individual, the
16 application shall include the applicant's social security number.

17 Sec. 15. Section 46-1233, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 46-1233. No water well shall be constructed, no ~~or~~ pump
20 or pumping equipment shall be installed, and no water well shall be
21 decommissioned by a person engaged in the construction or
22 decommissioning of water wells or installation of pumps and pumping
23 equipment unless the construction, decommissioning, or installation
24 is carried out or supervised by a licensed water well contractor,

25 water well drilling supervisor, pump installation contractor, or
26 pump installation supervisor. For purposes of this section,
27 supervision shall mean the ready availability of the person
1 licensed or certified pursuant to the Water Well Standards and
2 Contractors' Licensing Act for consultation and direction of the
3 activities of any person not licensed or certified who assists in
4 the construction of a water well, the decommissioning of a water
5 well, or the installation of pump and pumping equipment. Contact
6 with the licensed contractor or certified supervisor by
7 telecommunication shall be sufficient to show ready availability.

8 Sec. 16. Section 46-1235, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-1235. In cases other than those relating to failure
11 to meet the requirements for an initial license or an initial
12 certificate, the department may deny, refuse renewal of, suspend,
13 or revoke licenses or certificates or may take other disciplinary
14 action for any of the following acts or offenses:

15 (1) Practice of fraud or deceit in obtaining a license or
16 certificate;

17 (2) Violation of the Water Well Standards and
18 Contractors' Licensing Act or any standards, rules, or regulations
19 adopted and promulgated pursuant to such act;

20 (3) Incompetence or gross negligence in the performance
21 of any activity for which licenses or certificates are issued
22 pursuant to the act;

23 (4) Conduct or practices detrimental to the health or
24 safety of persons hiring the services of the licensee or
25 certificate holder or of members of the general public;

26 (5) Practice of the trade fraudulently, beyond the
27 authorized scope, or with manifest incapacity;

1 (6) Practice of the trade while the ability to practice
2 is impaired by alcohol, controlled substances, narcotic drugs, or
3 physical disability;

4 (7) Permitting, aiding, or abetting the practice of the
5 trade or the performance of activities requiring a license or
6 certificate by a person not licensed or certified to do so;

7 (8) Having had a license or certificate denied, refused
8 renewal, limited, suspended, or revoked or having been disciplined
9 in any other manner by another state or jurisdiction to practice

10 water well construction, water well drilling, water well
11 decommissioning, or pump installation based upon acts by the
12 applicant, licensee, or certificate holder similar to acts

13 described in this section. A certified copy of the record of
14 denial, refusal of renewal, limitation, suspension, or revocation
15 of a license or certificate or the taking of other disciplinary
16 action by another state or jurisdiction shall be conclusive
17 evidence;

18 (9) Unprofessional conduct as may be defined in rules and
19 regulations of the board with approval of the department;

20 (10) Practice of the trade while the license or
21 certificate to do so is suspended or practice of the trade in
22 contravention of any limitation placed upon the license or
23 certificate; or

24 (11) Failing to file the report required by section
25 46-604.

26 A licensee or certificate holder shall not engage in the
27 practice of the trade after a license or certificate is revoked or
1 during the time for which it is suspended. If a license or
2 certificate is suspended, the suspension shall be for a definite
3 period of time to be fixed by the Director of Regulation and
4 Licensure, and such license or certificate shall be automatically
5 reinstated upon the expiration of such period if the current
6 renewal fee has been paid. If such license or certificate is
7 revoked, such revocation shall be for one year.

8 Sec. 17. Section 46-1238, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 46-1238. Any person who fails to employ or use at least
11 one individual appropriately licensed or certified and available,
12 in accordance with section 46-1233, or any person who engages,
13 without a license or certificate for such activities, in the
14 construction of water wells, the decommissioning of water wells,
15 the installation of pumps and pumping equipment, or the measuring
16 of ground water levels, the collection of ground water samples from
17 existing water wells, or the inspection of installed water well
18 equipment, pumping systems, or chemigation regulation devices, in
19 addition to the other penalties provided in the Water Well
20 Standards and Contractors' Licensing Act, may be enjoined from
21 continuing such activities.

22 Sec. 18. Section 46-1239, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 46-1239. Any person who fails to employ or use at least
25 one individual appropriately licensed or certified and available,
26 in accordance with section 46-1233, or any person who engages,
27 without a license or certificate for such activities, in the
1 construction of water wells, the decommissioning of water wells, or
2 the installation of pumps and pumping equipment is guilty of a
3 Class II misdemeanor or subject to a civil penalty of not more than
4 one thousand dollars for each day the violation occurs.
5 Any civil penalty assessed and unpaid shall constitute a
6 debt to the state which may be collected in the manner of a lien
7 foreclosure or sued for and recovered in a proper form of action in
8 the name of the state in the district court of the county in which
9 the violator resides or owns property. An action to collect a
10 civil penalty shall be brought within two years of the alleged
11 violation providing the basis of the penalty, except that if the
12 cause of action is not discovered and could not be reasonably
13 discovered within the two-year period, the action may be commenced
14 within two years after the date of discovery or after the date of

15 discovery of facts which would reasonably lead to discovery,
 16 whichever is earlier. The department shall, within thirty days
 17 after receipt, remit the civil penalty to the State Treasurer for
 18 credit to the permanent school fund.

19 Sec. 19. Section 46-1240, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 46-1240. Any person who engages in or any person who
 22 employs or uses a person who engages in the construction of water
 23 wells, the installation of pumps and pumping equipment, the
 24 decommissioning of water wells, or the measuring of ground water
 25 levels, the collection of ground water samples from existing water
 26 wells, or the inspection of installed water well equipment, pumping
 27 systems, or chemigation regulation devices or who fails to
 1 decommission or decommissions an illegal water well without
 2 complying with the standards adopted and promulgated pursuant to
 3 the Water Well Standards and Contractors' Licensing Act shall be
 4 guilty of a Class III misdemeanor or subject to a civil penalty of
 5 not more than five hundred dollars for each day an intentional
 6 violation occurs and may be enjoined from continuing such activity,
 7 including a mandatory injunction.

8 Any civil penalty assessed and unpaid shall constitute a
 9 debt to the state which may be collected in the manner of a lien
 10 foreclosure or sued for and recovered in a proper form of action in
 11 the name of the state in the district court of the county in which
 12 the violator resides or owns property. An action to collect a
 13 civil penalty shall be brought within two years of the alleged
 14 violation providing the basis of the penalty, except that if the
 15 cause of action is not discovered and could not be reasonably
 16 discovered within the two-year period, the action may be commenced
 17 within two years after the date of discovery or after the date of
 18 discovery of facts which would reasonably lead to discovery,
 19 whichever is earlier. The department shall, within thirty days
 20 after receipt, remit the civil penalty to the State Treasurer for
 21 credit to the permanent school fund."

22 2. On page 4, line 18, strike "and"; and in line 21
 23 after the last comma insert "and for well owners who have a permit
 24 issued pursuant to the Industrial Ground Water Regulatory Act and
 25 also hold an underground injection control permit issued by the
 26 Department of Environmental Quality."

27 3. On page 6, lines 2, 4, and 6, strike "registered"; in
 1 lines 7, 14, 16, 20, and 21 strike "transfer" and insert "update";
 2 and strike lines 23 through 25.

3 4. On page 26, line 9, after the fourth comma insert
 4 "46-1214.01,"; and in line 10 after the first comma insert
 5 "46-1235," and before "and" insert "46-1240,".

6 5. Renumber the remaining sections accordingly.

(Signed) Edward J. Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 692. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 438. Title read. Considered.

The Standing Committee amendment, AM0557, found on page 874, First Session, 1999, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

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

LEGISLATIVE BILL 654. Title read. Considered.

The Standing Committee amendment, AM0711, found on page 875, First Session, 1999, was considered.

Senator Schimek renewed her pending amendment, AM2123, found on page 471, to the Standing Committee amendment.

The Schimek amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Schimek renewed her pending amendment, AM2118, found on page 423.

The Schimek amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Schimek renewed her pending amendment, AM2159, printed separately and referred to on page 471.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1000A. 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 1000, Ninety-sixth Legislature, Second Session, 2000.

ANNOUNCEMENTS

The Agriculture Committee designates LB 957 as its priority bill.

Senator Smith designates LB 994 as his priority bill.

Senator Hudkins designates LB 1190 as her priority bill.

MOTION - Print in Journal

Senator Hilgert filed the following motion to LB 175:
Suspend Rule 6, Section 3, Rule 7, Section 3, and Rule 7, Section 7 and vote on the advancement of LB 175 without further amendment, motion, or debate.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 1008:
AM2194

- 1 1. On page 3, line 18, after the comma insert "the
- 2 probation administrator or his or her designee."

Senator Preister filed the following amendment to LB 717:
AM2003

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 81-15,191, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 81-15,191. Sections 81-15,191 to 81-15,235 and sections
- 6 3 and 5 of this act shall be known and may be cited as the Nebraska
- 7 Emergency Planning and Community Right to Know Act.
- 8 Sec. 2. Section 81-15,193, Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 81-15,193. For purposes of the Nebraska Emergency
- 11 Planning and Community Right to Know Act, the definitions found in
- 12 sections 81-15,194 to 81-15,209 and section 3 of this act apply.
- 13 Sec. 3. Hazardous material has the same meaning as in 49
- 14 C.F.R. 171.8.
- 15 Sec. 4. Section 81-15,214, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 81-15,214. (1) There is hereby created the Nebraska
- 18 Emergency Planning and Community Right to Know Cash Fund. The fund
- 19 may receive appropriations, gifts, bequests, grants, fees, or other
- 20 contributions or donations from public or private entities. The

21 fund shall be used to carry out the purposes of the Nebraska
22 Emergency Planning and Community Right to Know Act, including:

23 (a) The funding of planning requirements as approved by
24 the commission;

1 (b) The funding of specific projects as approved by the
2 commission; and

3 ~~(b)~~ (c) The payment of expenses incurred by the
4 commission to administer the fund. Payment from the fund for costs
5 of administering the fund shall not exceed fifteen percent of the
6 total receipts of the fund during the fiscal year. The commission
7 shall adopt and promulgate rules and regulations governing
8 allocations from the fund and shall publish guidelines regarding
9 allocations from the fund. Any money in the fund available for
10 investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 (2) Entities receiving allocations from the Nebraska
14 Emergency Planning and Community Right to Know Cash Fund shall
15 expend the allocation in a manner expressly approved by the
16 commission. If allocations from the fund are used for purposes
17 other than those approved by the commission, the commission may
18 recover by appropriate legal means any funds spent inconsistent
19 with the terms of the allocation. Any recovered funds shall be
20 deposited in the fund.

21 Sec. 5. (1) The commission shall make allocations of the
22 appropriations received from the General Fund pursuant to this
23 section. The appropriations shall be allocated to local emergency
24 planning committees which are actively working to carry out their
25 powers and duties under the Nebraska Emergency Planning and
26 Community Right to Know Act as follows:

27 (a) One-fourth shall annually be distributed equally to
1 each qualifying local emergency planning committee; and

2 (b) Three-fourths shall annually be distributed to
3 qualifying local emergency planning committees based on the number
4 of facilities, highways, railroads, pipelines, and other structures
5 reported in the emergency plan submitted by the committee in the
6 previous year.

7 (2) If the commission has designated two or more counties
8 to join together to form a local emergency planning district, any
9 funds distributed to such committees under subdivision (1)(a) or
10 (b) of this section shall be transferred to the committee for the
11 local emergency planning district.

12 (3) The Nebraska Emergency Management Agency shall
13 provide a detailed expenditure report to the commission and shall
14 respond to all inquiries regarding expenditures.

15 (4) It is the intent of the Legislature to appropriate
16 one hundred fifty thousand dollars from the General Fund for
17 FY2000-01, FY2001-02, and FY2002-03 to the Nebraska Emergency
18 Planning and Community Right to Know Cash Fund for the State

- 19 Emergency Response Commission.
 20 (5) This section terminates on July 1, 2003.
 21 Sec. 6. Original sections 81-15,191, 81-15,193, and
 22 81-15,214, Reissue Revised Statutes of Nebraska, are repealed."

Senator Bromm filed the following amendment to LB 1075:
 AM2212

- 1 1. On page 2, line 11, after "telephone" insert "1
 2 teleconferencing, or video conferencing".

Senator Coordsen filed the following amendment to LB 701:
 AM2241

(Amendments to Standing Committee amendments, AM0719)

- 1 1. On page 1, strike beginning with "where" in line 10
 2 through line 15 and insert "except that"; in line 18 after
 3 "developed" insert "if the landowner files a written request with
 4 the commission. If such a request is filed" and strike "In such
 5 areas"; and in line 22 strike "adjoining".

MESSAGE FROM THE GOVERNOR

February 2, 2000

Patrick J. O'Donnell
 Clerk of the Legislature
 State Capitol, Room 2018
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, and 894 were received in my office on January 28, 2000.

These bills were signed by me on February 2, 2000, and delivered to the Secretary of State.

Sincerely,
 (Signed) Mike Johanns
 Governor

STANDING COMMITTEE REPORTS Transportation and Telecommunications

LEGISLATIVE BILL 1089. Placed on General File.

LEGISLATIVE BILL 1090. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 919. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 950. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Bruning withdrew his name as cointroducer to LB 1014 and LB 1394.

VISITORS

Visitors to the Chamber were 72 high school students and teachers from Elkhorn; Louise Hardy and Titus Hardy from Canada and Tyler Sutton from Lincoln; 17 students and teachers from Culler Middle School, Lincoln; and 25 members from the Bellevue Chamber and Bellevue Leadership Class.

The Doctor of the Day was Dr. Jenny Olsen from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 3, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 3, 2000

PRAYER

The prayer was offered by Senator Jensen.

ROLL CALL

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

The roll was called and all members were present except Senators Kristensen and Wickersham who were excused; and Senators Brashear, Hartnett, Kremer, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

STANDING COMMITTEE REPORTS**Banking, Commerce and Insurance**

LEGISLATIVE BILL 954. Placed on General File.

LEGISLATIVE BILL 1038. Placed on General File.

LEGISLATIVE BILL 1121. Placed on General File.

(Signed) David M. Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 950. Placed on General File as amended.

Standing Committee amendment to LB 950:

AM2192

- 1 1. Insert the following new section:
- 2 "Sec. 5. The Department of Health and Human Services
- 3 shall apply for all available federal funding to implement the
- 4 Infant Hearing Act."

- 5 2. On page 6, line 25, strike beginning with "screening"
6 through "loss".
- 7 3. On page 7, line 2, strike "(1)"; strike lines 8
8 through 11; and strike beginning with the second "and" in line 22
9 through line 23 and insert a period.
- 10 4. Renumber the remaining sections and correct internal
11 references accordingly.

(Signed) Jim Jensen, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion #00006

DATE: February 2, 2000

SUBJECT: Legality of a statutory ban on the use of tissue and organs from aborted human infants for research and experimentation

REQUESTED BY: Senator Jim Jensen

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an analysis of potential legislation prohibiting the use of tissue, cells, organs or other materials from a human fetus or child who has been the subject of an elective abortion for the purpose of biomedical or other research. Specifically, you have inquired whether such legislation would be permissible in light of constitutional provisions, caselaw and current federal legislation permitting the federal funding of such research. You have not asked us to review any specific legislative bill. Accordingly, our analysis is of a general nature.

This opinion will examine U.S. Supreme Court decisions, relevant federal statutes, caselaw from other jurisdictions on this topic, and current Nebraska law. Areas of analysis will include potential challenges based on abortion rights, vagueness, exercise of police power and preemption. The opinion concludes that the Legislature may ban research and experimentation using tissue or organs from aborted human infants if the legislation is properly drafted.

I. Application of Abortion Jurisprudence To Legislation Regulating the Use of Aborted Human Infants

Abortion was legalized nationwide by the U.S. Supreme Court in 1973. *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705 (1973). Since that time approximately 140,000 pre-born infants have been aborted in Nebraska according to State HHS data. In recent years, one of every five unborn

children in Nebraska have been aborted. In response to this situation, the Nebraska legislature has adopted, and recently reaffirmed, a policy position of providing "protection for the life of the unborn child whenever possible." Neb. Rev. Stat. Ann. § 28-325 (Michie Supp. 1997). Severe restrictions on abortion-related legislation, however, have been imposed by the federal courts. Thus, the first area of inquiry concerns the application of abortion jurisprudence to a possible ban on use of human fetal tissue obtained from elective abortions.

To determine whether abortion jurisprudence restricts or prohibits such legislation it is important to first identify the specific right protected by abortion cases. The right protected under *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 112 S.Ct. 2791 (1992), is the woman's "freedom to decide whether to terminate her pregnancy." *Casey*, 112 S.Ct. at 2819 (emphasis added). The Supreme Court has stated that State regulations on abortion will be upheld "which in no real sense deprive[] the woman of the ultimate decision." *Id.* Regulations will be upheld "if they are not a substantial obstacle to the woman's exercise of the right to choose." *Id.* Thus, "only where state regulation imposes an undue burden on a woman's ability to make this decision does the power of the State reach into the heart of the liberty protected by the Due Process Clause." *Id.*

Under *Casey* there is a wide disparity between a State's ability to restrict the "reproductive choices" of individual women, and the State's ability to promote childbirth over abortion in general. In the former instance, the States may not impose any "undue burden" on the decision of a specific woman to abort her unborn child. In contrast, however, States are free to adopt general policies and positions favoring childbirth over abortion. *Casey*, 112 S.Ct. at 2821. *See also Webster v. Reproductive Health Services*, 492 U.S. 490, 506 (1989) ("The Court has emphasized that *Roe v. Wade* implies no limitation on the authority of a State to make a value judgment favoring childbirth over abortion.") (quoting *Maher v. Roe*, 432 U.S. 464, 474 (1977)).

The Supreme Court has also made it clear a State may not only make a value judgment favoring childbirth over abortion, but it may actively implement this policy. For example, a State may openly express concern for the life of unborn children from conception on. *Casey*, 112 S.Ct. at 2816 ("The woman's liberty is not so unlimited, however, that from the outset the State cannot show its concern for the life of the unborn."). The State may also create structural mechanisms by which the State "may express profound respect for the life of the unborn." *Casey*, 112 S.Ct. at 2821. The State may adopt measures designed to persuade women "to choose childbirth over abortion." *Casey*, 112 S.Ct. at 2821. The State may implement policies and programs that make "childbirth a more attractive alternative, thereby influencing the woman's decision [whether to abort her child]." *Webster v. Reproductive Health Services*, 109 S.Ct. 3040, 3051 (1989). The State may "use public facilities and staff to encourage childbirth over abortion." *Webster*, 109 S.Ct. at 3052. The "State may make a value judgment favoring childbirth over abortion and . . . implement that judgment by the allocation of

public funds.'" *Webster*, 109 S.Ct. at 3052 (quoting *Maher*, 97 S.Ct. at 2382). Significantly, the implementation of a State's policy favoring childbirth over abortion may also involve "the allocation of public resources, such as hospitals and medical staff." *Id.*

Thus, a properly drafted ban on research and experimentation using tissue or organs from aborted children does not directly implicate or offend *Casey* since it would regulate use of the body of the child and not the ability to terminate the pregnancy.¹ Furthermore, to the extent the statute is intended to discourage abortion generally, or at least avoid encouraging abortion, the Supreme Court has explicitly recognized the right of States to enact legislation to achieve this purpose.

II. Existing State Law Governing Research on Aborted Infants

Current Nebraska law provides that "No person shall knowingly, intentionally, or willfully use any premature infant aborted alive for any type of scientific, research laboratory, or other kind of experimentation except as necessary to protect or preserve the life or health of such premature infant aborted alive. Violation of this section is a Class IV felony." Neb. Rev. Stat. Ann. § 28-346 (Michie 1995) (emphasis added). This statute, by its express terms, applies only to premature infants aborted alive. Consequently, its application is limited to this context. Any research on a premature infant aborted alive which results in his or her death is also prosecutable as a homicide. Neb. Rev. Stat. Ann. § 28-302 (Michie 1995) (defining "person", when referring to the victim of a homicide, as a human being who had been born and was alive at the time of the homicidal act). We note, however, that articles alleging precisely this activity (live late term babies being killed and then dissected for parts to meet research demands) contributed to a nationwide and local outcry against such research.

III. Existing Federal Law on Fetal Tissue Research

Current Federal law provides: "The Secretary [of HHS] may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes." 42 U.S.C. § 289 g-1(a). Such fetal tissue may come from abortions. § 289 g-1(b). This research is not unlimited, however. First of all, the express language of the statute permits funding only for research on transplantation for therapeutic purposes. Furthermore, such research may be conducted "only in accordance with applicable State and local law." 289 g-1(e). Federal law is also limited in another significant way. 42 U.S.C. § 289 g(a) prohibits federal research or support of research or experimentation on a nonviable living human fetus ex utero or a living human fetus ex utero for whom viability has not been ascertained. . . ." (emphasis added). Exceptions are provided for procedures to meet the health needs of the fetus or where such research poses no added risk of suffering, injury, or death to the fetus. *Id.*² Similarly, 45 CFR § 46.209 prohibits research involving nonviable fetuses ex utero unless the research would not cause death. In addition, 45 CFR § 46.208 prohibits research which involves fetuses in utero unless done for the

health needs of the mother. Thus, the "donors" must be both dead and delivered.

Other federal regulations further restrict the scope of federally funded research. 45 CFR § 46.206 provides that "No procedural changes [to an abortion procedure] may be made for purposes of the research if they increase risk to the mother or fetus.

In addition, federal law also contains a prohibition on selling fetal tissue. The law provides that it is "unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce." 42 U.S.C. § 289 g(2)(a) (emphasis added). This prohibition on selling tissue contains a big loophole, however, since the definition of "valuable consideration" expressly excludes payments for transportation, processing, preservation, quality control, or storage of human fetal tissue. 42 U.S.C. § 289 (g) (d) (3).

45 CFR § 46.210 echoes 42 USC § 289-g-1(e), and provides that experimentation using tissue from aborted fetuses "shall be conducted only in accordance with any applicable State or local laws regarding such activities."

In sum, federal law permits research or funding of research by the federal government using tissue from aborted human infants. However, this is limited to research on transplantation for therapeutic purposes. No research is permitted until the fetus is delivered from the mother and the child is dead. Abortion procedures may not be altered for purposes of the research if they increase risk to the mother or fetus. Direct payments for human fetal tissue are prohibited. Finally, the research must be conducted in accordance with State law.

IV. Application of Vagueness Analysis to Fetal Tissue Statutes

Perhaps the biggest challenge in drafting legislation prohibiting the use of organs and tissue from aborted human infants for experimentation and research is avoidance of "vagueness" problems pursuant to caselaw under the Due Process Clause of the Fourteenth Amendment. If a statute "fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute, the law is void for vagueness." *Colautti v. Franklin*, 439 U.S. 379, 390, 99 S.Ct. 675, 683 (1979).

Several state statutes banning use of aborted infants for experimentation have been reviewed by federal courts. In *Margaret S. v. Edwards*, 794 F.2d 994 (5th Cir. 1986), the court reviewed a Louisiana statute which provided, "No person shall experiment on an unborn child or a child born as the result of an abortion, whether the unborn child or child is alive or dead, unless the experimentation is therapeutic to the unborn child or child." *Id.* at 998 (quoting La. Rev. Stat. Ann. § 40:1299.35.13). The court concluded that because the statute failed to define "experiment" or "experimentation" the statute was void for vagueness. *Id.* at 999.

In *Lifchez v. Hartigan*, 735 F.Supp. 1361 (N.D. Ill. 1990), *aff'd*, 914 F.2d 260 (1990), the plaintiff challenged the constitutionality of an Illinois statute stating that "No person shall sell or experiment upon a fetus . . . unless such experimentation is therapeutic to the fetus . . ." *Id.* at 1363. The court held that the statute's failure to define "experimentation" and "therapeutic" made it unconstitutionally vague. *Id.* at 1376. The court also held the law violated *Roe v. Wade* by intruding upon reproductive choice. In this regard the court focused on the possibility that the statute, as drafted, could prohibit embryo transfers intended to help infertile women get pregnant. *Id.* at 1377.

In *Jane L. v. Bangert*, 61 F.3d 1493, 1500-1502 (10th Cir. 1995) (rev'd and remanded on other grounds sub nom. *Leavitt v. Jane L.*, 518 U.S. 137 (1996)), the court found Utah's statute banning "experimentation" on live unborn children to be unconstitutionally vague due to the lack of a definition of the "experimentation." Most recently, in *Forbes v. Woods*, 71 F.Supp. 2d 1015 (D.Ariz. 1999), the court reviewed an Arizona statute prohibiting experimentation on human fetuses from induced abortions. The court held the statute to be unconstitutionally vague, finding the terms, "experimentation", "investigation" and "routine" to be ambiguous terms. *Id.* at 1019.³

Despite the difficulties experienced by several States in the above cases, it is quite possible to draft a constitutional statute. As the Fifth Circuit noted in *Edwards*, with regard to its vagueness conclusion, "This of course does not imply that the States are powerless to regulate medical experimentation. Because of the nature of the vagueness doctrine, any holding that a statute is unconstitutionally vague must necessarily be highly case-specific. A statute using more precise language. . . would present a different case. . . ." 794 F.2d at 999 n.13. Thus, a statute could be drafted which would avoid a vagueness problem. To achieve this result, all important terms should be clearly defined, and an intent or scienter requirement should be included to help mitigate any ambiguity. See *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499, 102 S.Ct. 1186 (1982).

V. Regulation of Fetal Experimentation as an Exercise of the State's Police Power

To qualify as a legitimate exercise of the State's "police power" a statute regulating fetal experimentation must be rationally related to an important state interest. In *Margaret S. v. Treen*, 597 F.Supp. 636, 674 (E.D. La. 1984), the district judge held that Louisiana's ban on experimentation on aborted children "is not justified by any legitimate state interest furthered by the statute." On appeal, however, the Fifth Circuit had little trouble finding a legitimate state interest. The Fifth Circuit noted the State's lack of an "explanation of the purpose of the prohibition on experiments on the fetus or child that emerges as a result of an abortion." *Margaret S. v. Edwards*, 794 F.2d 994, 998 n.11 (5th Cir. 1986). However, the court then stated, "We can hypothesize that Louisiana wanted to remove some of the incentives for research-minded physicians either to promote abortions or manipulate the timing of abortions in an effort to acquire fetal remains of a desired maturity.

The statute is therefore rationally related to an important state interest." *Id.* (emphasis added).

A concurring opinion from the Fifth Circuit decision in *Edwards* is also noteworthy. Circuit Judge Williams strenuously disagreed that the statute was unconstitutionally vague, but concluded it was still invalid. In his view a prohibition on fetal research using aborted infants "fails to bear . . . a rational relationship to an important state interest" so as to be a valid exercise of the state's police powers. *Id.* at 1002 (Williams, concurring). This analysis is noteworthy because it is predicated upon the proposition that "no rational justification is shown for prohibiting experimentation on fetal tissue from a lawful induced abortion as opposed to a spontaneous abortion." *Id.* Judge Williams concluded, "There was no showing that [Louisiana statute] § 1299.35.13 in prohibiting experimentation on fetal tissue only in the instance of lawful induced abortion has any rational relationship to any legitimate state interest. The record is lacking in showing valid state policy in any of these distinctions. I can only conclude that under the guise of police regulation the state has actually undertaken to discourage constitutionally privileged induced abortions." *Id.* at 1002. (emphasis added). This analysis, written in 1986, is a legal nonsequitur today in light of subsequent case law from the Supreme Court, including *Casey*. As discussed in section I, a State may clearly take action to discourage induced abortions.

Despite changes in caselaw since *Edwards*, it is still essential for the legislature to put forward a rational basis for treating aborted children's corpses differently than other human corpses.⁴ One commentator argued there is no such rational basis. See Gregory Gelfand & Toby R. Levin, Fetal Tissue Research: Legal Regulation of Human Fetal Tissue Transplantation, 50 Wash. & Lee L. Rev. 647, 682 (1993). However, as discussed below, it appears such commentators try not to think too hard to find a rational distinction.

A statute prohibiting the use of tissue and organs from aborted children for research and experimentation could serve a number of legitimate State interests which have been recognized by courts. First, the State may enact provisions aimed at preserving respect for human life. *Casey*, 112 S.Ct. at 2821. Second, the State has an interest in maintaining the integrity of the medical profession. *Washington v. Glucksberg*, 521 U.S. 702, 117 S.Ct. 2258 (1997) ("The State has an interest in protecting the integrity and ethics of the medical profession. "[discussing the risk of "blurring the time-honored line between healing and harming."]). Third, the State may enact policies and laws to discourage abortion and promote childbirth. *Casey*, 112 S.Ct. at 2821. This interest would likely encompass a policy against legitimizing abortion through such fetal research. In this regard we note that during our research on this opinion we came into possession of a promotional brochure by a division of Consultative and Diagnostic Pathology, Inc. called "Opening Lines". This brochure states the company was formed "to maximize the utilization of fresh fetal tissue we process." In large letters, the brochure advertises "Fresh Fetal Tissue harvested and shipped to your specifications . . . where and when you

need it". In equally large print, the brochure states "Find Out How You Can Turn Your Patient's Decision Into Something Wonderful." (emphasis added). Such evidence would tend to support a State interest in avoiding the legitimization of abortion through use of the corpses for research.

Fourth, the State has an interest in preventing unnecessary pain and suffering to unborn children, despite the fact the State cannot prevent their death. *See Planned Parenthood of Wisconsin v. Doyle*, 162 F.3d 463, 477-78 (7th Cir. 1998) (Manion, dissenting)(discussing the state interest in preventing "cruel and gruesome" procedures on the unborn during an abortion and comparing statutes which criminalize the shooting of caged animals.). It is true that this state interest applies only to the extraction of tissue or organs from living unborn children, before, during or after an abortion. However, it appears the "donors" are not always dead when their tissue is harvested. As one proponent of fetal tissue experimentation has acknowledged "Although a great number of authors have assumed that the UAGA [Uniform Anatomical Gift Act] . . . is applicable to all fetal tissue transplants, a minor problem is presented because some fetal tissue is taken from fetuses which, while nonviable, are not dead. The UAGA does not apply to tissue donations from live persons. . . ." Fetal Tissue Research: Legal Regulation of Human Fetal Tissue Transplantation, 50 Wash & Lee L. Rev. at 671 (emphasis added).

In this regard we note that here in Nebraska, UNMC has thus far failed to respond to requests for information regarding whether the human brain tissue it obtains from aborted children is extracted while the child is still living. Dr. Carhart, UNMC's fetal tissue supplier, has testified previously that he removes brain tissue from living, partially-born children in a procedure he calls an "intact D&E" (partial-birth abortion). *Carhart v. Stenberg*, 11 F.Supp.2d 1099 (1998). Although UNMC denies any fetal brain tissue it uses comes from partial-birth abortions, it is quite possible that whatever procedure is used, the child is living at the time the brain is extracted. *Carhart*, 11 F.Supp.2d at 1106 (discussing various abortion techniques). Although these children are not likely viable, it should be noted that the State's interest in unborn human life, according to the Supreme Court, begins not at birth or viability, but at conception. *Casey*, 112 S.Ct. at 2817, 2821 (referencing the "State's profound interest in potential life, throughout pregnancy").

Finally, there is a fifth, and closely related state interest. The State has a legitimate interest in the "moral underpinnings of state law" which is served by statutory prohibition on activity deemed by the legislature to be immoral. *Id.* at 13. *Planned Parenthood of Wisconsin v. Doyle*, 162 F.3d 463, 477-478 (7th Cir. 1998)(Manion, dissenting).⁵ Simply put, the legislature may legitimately conclude that the harvesting of organs and tissue from the victims of elective abortion is wrong and would undermine respect for life and medical ethics.

In sum, it is important for legislation in this area to be drafted in furtherance of a legitimate State interest such as those discussed above in order to constitute a proper exercise of the State's police powers.

VI. Preemption of State Law by Federal Law on Fetal Tissue Research

The existence of a federal law permitting the funding of certain fetal tissue research raises the issue of preemption. "The Supremacy Clause of the federal constitution dictates that a state law . . . cannot prevent the administration and execution of a federal statute." *Missouri v. Glasgow*, 152 F.3d 802 (8th Cir. 1998). However, "[i]n a pre-emption case . . . state law is displaced only 'to the extent that it actually conflicts with federal law.'" *Dalton v. Little Rock Family Planning Services*, 516, U.S. 474, 116 S.Ct. 1063, 1064 (1996). Furthermore, courts are to "start with the assumption that the historic police powers of the states [are] not to be superseded . . . unless that was the clear and manifest purpose of Congress" *Ace Auto Body & Towing, Ltd. v. City of New York*, 171 F.3d 765, 771 (2nd Cir. 1999).

We do not believe the existing federal law would preempt a properly drafted state fetal experimentation research statute. The federal provisions discussed in section III above were enacted to authorize federal funding of fetal tissue research within certain narrow parameters. *See* National Institutes of Health Revitalization Act of 1993, 42 U.S.C. § 289 g-1 et. seq.

The federal statutes do not, in our opinion, preempt State legislation of the type contemplated for several reasons. First, the federal statute covers only research done for "transplantation" purposes. Second, it is limited in application to dead corpses after complete delivery. Likewise, its payment prohibition is also narrow in scope, leaving room for additional regulation. Third, there is no express preemption of State law. On the contrary, the federal statute expressly acknowledges and defers to potential restrictions under state or local law. 42 USC § 289 g-1(e). *See also* 45 CFR § 46.210. Furthermore, 45 CFR § 46.201 identifies the scope of applicability of "protections pertaining to research . . . involving fetuses . . ." These regulations are applicable to all HHS grants and contracts supporting research involving fetuses. § 46.201(a). Section 46.201(b) provides that "Nothing in this subpart shall be construed as indicating that compliance with the procedures set forth herein will in any way render inapplicable pertinent State or local laws bearing upon activities covered by this subpart."

Another indication of the lack of preemption is the absence of this conclusion in recent litigation, as well as the continued existence of fetal research statutes in several states. For example, in *Forbes v. Woods*, 71 F.Supp. 2d 1015 (D.Ariz. 1999), a ban on aborted fetal tissue research was challenged on no less than six different constitutional theories. *Id.* at 1016 - 1017. No allegation was made, however, that the statute was void under the Supremacy Clause due to federal preemption.

North Dakota currently has a statute banning use of a live fetus, or any tissue or organ thereof, resulting from an induced abortion in animal or human research, experimentation, or study, or for animal or human transplantation. N.D. ST. 14-02.2-01 (1997). North Dakota law also bans such

experimentation on dead fetuses except for diagnostic or remedial procedures to assist the mother or for pathological study. *Id.* 14-02.2-02. Oklahoma law also currently provides that "No person shall experiment upon a child or an unborn child resulting from an abortion or which is intended to be aborted unless the experimentation is therapeutic to the child or unborn child." 63 OK. St. Sec. 1-735 (1997). "Experiment" is defined as excluding autopsies. *Id.*

Any concern over preemption can be mitigated in the contemplated legislation by expressly prohibiting types of research and experimentation on aborted children which are clearly outside the scope of the federal statute. Such areas include: use of tissue or organs for research purposes which were removed or obtained from human infants prior to death; use of tissue or organs for research purposes which were removed or obtained from human infants in utero (prior to extraction from the mother); payment or receipt of money or other valuable consideration for site fees, transportation, processing, preservation, quality control or storage of human fetal tissue derived from an induced abortion; use of tissue or organs from aborted human infants for research purposes other than for transplantation; the performance of any act or procedure in the course of an abortion, for research purposes, which increases the duration of the procedure or alters its performance, and is not intended to benefit the mother; reporting of information concerning the harvesting of fetal tissue to a designated State agency; and a ban on participation in research or experimentation using aborted children by State employees, state institutions or State funded entities or programs. A severability clause should be included as well.

VII. Conclusion

There is no legal prohibition to banning research and experimentation using tissue or organs from human infants that are the subjects of induced abortion provided the legislation is properly drafted.

¹The concern expressed by one court about possibly prohibiting reproductive choice in the form of embryo transfers and fertility treatment in *Lifchez v. Hartigan*, 735 F.Supp. 1361 (N.D. Ill. 1990) can be easily avoided by proper drafting.

²Although one could argue that some limited forms of experimentation on a living fetus ex utero (after delivery) are permitted under the exceptions in the Federal guidelines, this is a highly dubious proposition. First of all, just as the intentional killing of a nonviable premature baby is prosecutable as homicide, the intentional injury or performance of an invasive procedure upon such child could be considered a criminal assault. *See* Neb. Rev. Stat. § 28-310 and 28-109(16). *See Showry, v. Texas*, 690 S.W.2d 689, 692 (Tex. App. 1985). Furthermore, such child is a "person" upon live birth under the Fourteenth Amendment and is entitled to its protection.

³Given the level of specificity in the Arizona statute, as compared to many

other fetal experimentation statutes, one could view the result as a manifestation of what a majority of current U.S. Supreme Court Justices have referred to as the "abortion ad hoc nullification machine." This so-called "machine" finds ways to nullify any State attempt to regulate in any area related to abortion. The existence and operation of the abortion ad hoc nullification machine was first recognized by Justice O'Connor (joined in her dissent by then-Justice Rehnquist) in *Thornburgh v. A.C.O.G.*, 476 U.S. 747, 814, 106 S.Ct. 2169, 2206-2207 (1986). It was more recently described by Justice Scalia (joined by Justice Kennedy and Justice Thomas in his partial concurrence and partial dissent) in *Madsen v. Women's Health Center, Inc.*, 114 S.Ct. 2516, 2534-2535 (1994). Thus, a majority of the U.S. Supreme Court has decried its existence and operation. Nonetheless, because of this problem it is all the more important to clearly define all terms in fetal experimentation statutes.

⁴For example, there would surely be a rational basis to prohibit the use of organs taken from executed prisoners in China (an alleged practice that has been reported in the media) while allowing the use of legitimately donated organs from naturally occurring deaths. In both cases the person is dead. Yet, a public policy can easily be articulated to distinguish between the two situations.

⁵A rather extensive review of several State interests which are present even with respect to an unborn child that is about to be, or is in the process of being, killed was set forth by Seventh Circuit Court of Appeals Judge Manion in *Doyle*.

Sincerely,
DON STENBERG
Attorney General
(Signed) Steve Gras
Deputy Attorney General

3-878-21

cc: Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 3, 2000, 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

Chris Abboud Public Affairs Group, Inc.

Abboud, Chris – Lincoln; Santee Sioux Tribal Office

Fahleson, Mark A./Rembolt Ludtke & Berger

Fahleson, Mark A. – Lincoln; High Plains Corporation

Fenster, Rolland – Lincoln; American Association of Retired Persons

Goc, John J. – Lincoln; Iowa Gaming Company
 Hassebrook, Chuck – Walthill; Center for Rural Affairs
 Hundhausen, Gertrude – Grant; American Association of Retired Persons
 Kelley, Lehan & Hall, P.C.
 Kelley, Michael A. – Omaha; Valley Lottery II, Inc.
 Nabb, Douglas – Fremont; Fremont Public Schools
 Nebraska Retail Federation
 Potter, Cara E. – Lincoln; Kelley Lehan, Hall, P.C.
 Nelson, Arlene – Grand Island; American Association of Retired Persons
 Stone, Fred R. – Lincoln; Nebraska Petroleum Marketers & Convenience
 Store Association (Withdrawn 01/31/2000)
 Thompson, Nancy L. – South Sioux City; Center for Rural Affairs
 (Withdrawn 01/31/2000); Friends of the Constitution

STANDING COMMITTEE REPORT
Transportation and Telecommunications

The Transportation and Telecommunications 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 Motor Vehicles, Director
 Beverly Neth

VOTE: Aye: Senators Byars, Jones, Baker, Robak, Dw. Pedersen, Hudkins, Thompson, and Bromm. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

MOTION – Refer LB 349 Back to Committee

Senator Schimek renewed her pending motion, found on page 521, pursuant to Rule 3, Section 17, to refer LB 349 back to Government, Military and Veterans Affairs Committee.

The Schimek motion prevailed with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 482A. 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.

ANNOUNCEMENTS

Senator Aguilar designates LB 557 as his priority bill.

Senator Schrock designates LB 1234 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 1135 as its priority bill.

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, February 10, 2000
Agency 33 – Game and Parks Commission

1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1238. Placed on General File.

LEGISLATIVE BILL 1258. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

SELECT FILE

LEGISLATIVE BILL 729. Senator Redfield withdrew her motion, found on page 2060, First Session, 1999, to bracket.

Senators Bohlke and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schimek renewed her pending amendment, AM2005, found on page 212.

The Schimek amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA284

Amend AM2005

P. 2, line 21, add a new subsection: "If the Secretary of State accepts or refuses to accept for filing any initiative or referendum petition, he or she shall provide no comment or opinion relative to any particular or specific aspects or provisions of any petition but shall only declare that the petition is or is not legally sufficient.

SENATOR CUDABACK PRESIDING

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Redfield offered the following amendment:

FA285

(Amend AM2005)

To strike language from line 23, page 2, beginning with (a) to line 27, page 2, at the comma.

Senator Dickey asked unanimous consent to be excused. No objections. So ordered.

Senators Hartnett and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Redfield moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Schimek requested a roll call vote on the Redfield amendment.

Voting in the affirmative, 15:

Aguilar	Baker	Bruning	Coordsen	Dierks
Jensen	Jones	Kiel	Lynch	Quandahl
Redfield	Schmitt	Smith	Stuhr	Tyson

Voting in the negative, 13:

Bohlke	Chambers	Connealy	Crosby	Janssen
Landis	Price	Raikes	Schimek	Schrock
Suttle	Thompson	Wehrbein		

Present and not voting, 14:

Beutler	Bourne	Brashear	Brown	Cudaback
Engel	Hilgert	Hudkins	Kremer	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Vrtiska	

Excused and not voting, 7:

Bromm	Byars	Dickey	Hartnett	Kristensen
Robak	Wickersham			

The Redfield amendment lost with 15 ayes, 13 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Schimek requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Brown	Connealy	Crosby	Cudaback	Engel
Hudkins	Janssen	Kiel	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Raikes	Schimek	Schrock	Thompson	Vrtiska
Wehrbein				

Voting in the negative, 16:

Baker	Bruning	Chambers	Coordsen	Dierks
Hilgert	Jensen	Jones	Kremer	Quandahl
Redfield	Schmitt	Smith	Stuhr	Suttle
Tyson				

Excused and not voting, 7:

Bromm	Byars	Dickey	Hartnett	Kristensen
Robak	Wickersham			

Advanced to E & R for engrossment with 26 ayes, 16 nays, and 7 excused and not voting.

The Chair declared the call raised.

Senator Schimek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 482. E & R amendment, AM7177, found on page 413, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 151. E & R amendment, AM7179, found on page 414, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 55. E & R amendment, AM7180, found on page 414, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 654. The Schimek pending amendment, AM2159,

printed separately and referred to on page 471 and considered on page 529, was renewed.

PRESIDENT MAURSTAD PRESIDING

The Schimek 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 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 654A. Title read. Considered.

Senator Janssen renewed the Schimek pending amendment, AM2124, found on page 424.

Senator Lynch renewed his pending amendment, AM2160, found on page 471, to the Schimek pending amendment.

The Lynch amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Schimek amendment, as amended, 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 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 701. Title read. Considered.

The Standing Committee amendment, AM0719, found on page 938, First Session, 1999, was considered.

Senator Schrock renewed his pending amendment, AM1990, found on page 171, to the Standing Committee amendment.

The Schrock amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Coordsen renewed his pending amendment, AM2241, found on page 532, to the Standing Committee amendment.

Senators Suttle, Janssen, and Brashear asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1289. Placed on General File.

LEGISLATIVE BILL 1204. Placed on General File as amended.
Standing Committee amendment to LB 1204:
AM2259

- 1 1. On page 2, line 22, after the underscored period
- 2 insert "If the notice is to be served by certified mail, the clerk
- 3 shall provide the plaintiff with written instructions, prepared and
- 4 provided by the State Court Administrator, regarding the proper
- 5 procedure for service by certified mail."

LEGISLATIVE RESOLUTION 291CA. Placed on General File as amended.

Standing Committee amendment to LR 291CA:
AM2231

- 1 1. On page 2, line 26, strike "for the judiciary" and
- 2 insert "made by the Legislature for the judiciary to allow the
- 3 changes to take effect for all judges at the beginning of the full
- 4 term of any judge of any court in the state".

(Signed) Kermit A. Brashear, Chairperson

Natural Resources

LEGISLATIVE RESOLUTION 295. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 296. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 1273. Placed on General File.

(Signed) Edward J. Schrock, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 175. Placed on Select File as amended.
E & R amendment to LB 175:
AM7181

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 20-131.04, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 20-131.04. Every totally or partially blind person who
- 6 has a dog guide or who obtains a dog guide, every hearing-impaired

7 person who has a hearing aid dog or who obtains a hearing aid dog,
8 and every physically disabled person who has a service dog or
9 obtains a service dog shall have full and equal access to all
10 housing accommodations with such dog as prescribed in sections
11 20-131.01 to 20-131.04. Such person shall not be required to pay
12 extra compensation for such dog. Such person shall be liable for
13 any damage done to such premises by such dog. ~~Any person who
14 rents, leases, or provides housing accommodations for compensation
15 may demand or receive a reasonable dog deposit, not to exceed
16 one fourth of one month's periodic rent, from any totally or
17 partially blind person who has or obtains a dog guide, from any
18 hearing-impaired person who has or obtains a hearing aid dog, or
19 from any physically disabled person who has or obtains a service
20 dog.~~

21 Sec. 2. Section 69-2304, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 69-2304. A notice given pursuant to section 69-2303

24 shall contain one of the following statements, as appropriate:

1 (1) "If you fail to reclaim the property, it will be sold
2 at a public sale after notice of the sale has been given by
3 publication. You have the right to bid on the property at this
4 sale. After the property is sold and the costs of storage,
5 advertising, and sale are deducted, the remaining money will be
6 turned over to the State Treasurer pursuant to the Uniform
7 Disposition of Unclaimed Property Act. You may claim the remaining
8 money from the office of the State Treasurer as provided in such
9 act."; or

10 (2) "Because this property is believed to be worth less
11 than ~~two hundred fifty~~ five hundred dollars, it may be kept, sold,
12 or destroyed without further notice if you fail to reclaim it
13 within the time indicated in this notice."

14 Sec. 3. Section 69-2308, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 69-2308. (1) If the personal property is not released
17 pursuant to section 69-2307, it shall be sold at public sale by
18 competitive bidding, except that if the landlord reasonably
19 believes that the total resale value of the property not released
20 is less than ~~two hundred fifty~~ five hundred dollars, he or she may
21 retain such property for his or her own use or dispose of it in any
22 manner he or she chooses. At such time as the decision to sell or
23 to retain is made, any locked trunk, valise, box, or other
24 container shall be opened, if practicable, with as little damage as
25 possible, and its contents evaluated. Nothing in this section shall
26 be construed to preclude the landlord or the tenant from bidding on
27 the property at the public sale. The successful bidder's title

1 shall be subject to ownership rights, liens, and security interests
2 which have priority by law.

3 (2) Notice of the time and place of the public sale shall
4 be given by advertisement of the sale published once a week for two

5 consecutive weeks in a newspaper of general circulation in the
6 county where the sale is to be held. If there is no newspaper of
7 general circulation in the county where the sale is to be held, the
8 advertisement shall be posted no fewer than ten days before the
9 sale in not less than six conspicuous places in the neighborhood of
10 the proposed sale. The sale shall be held at the nearest suitable
11 place to the place where the personal property is held or stored.
12 The advertisement shall include a description of the goods, the
13 name of the former tenant, and the time and place of the sale. The
14 sale shall take place no sooner than ten days after the first
15 publication. The last publication shall be no less than five days
16 before the sale is to be held. Notice of sale may be published
17 before the last of the dates specified for taking possession of the
18 property in any notice given pursuant to section 69-2303.

19 (3) The notice of the sale shall describe the property to
20 be sold in a manner reasonably adequate to permit the owner of the
21 property to identify it. The notice may describe all or a portion
22 of the property, but the limitation of liability provided by
23 section 69-2309 shall not release the landlord from any liability
24 arising from the disposition of property not described in the
25 notice.

26 (4) After deduction of the reasonable costs of storage,
27 advertising, and sale, any proceeds of the sale not claimed by the
1 former tenant, an owner other than such tenant, or another person
2 having an interest in the proceeds shall, not later than thirty
3 days after the date of sale, be remitted to the State Treasurer for
4 disposition pursuant to the Uniform Disposition of Unclaimed
5 Property Act. The former tenant, other owner, or other person
6 having interest in the proceeds may claim the proceeds by complying
7 with the act. If the State Treasurer pays the proceeds or any part
8 thereof to a claimant, neither the State Treasurer nor any employee
9 thereof shall be liable to any other claimant as to the amount
10 paid.

11 Sec. 4. Section 76-1416, Revised Statutes Supplement,
12 1999, is amended to read:

13 76-1416. (1) A landlord may not demand or receive
14 security, however denominated, in an amount or value in excess of
15 ~~one~~ two month's periodic rent, except that a pet deposit not in
16 excess of ~~one-fourth~~ one-half of one month's periodic rent may be
17 demanded or received when appropriate, but this subsection shall
18 not be applicable to housing agencies organized or existing under
19 the Nebraska Housing Agency Act.

20 (2) Upon termination of the tenancy, property or money
21 held by the landlord as prepaid rent and security may be applied to
22 the payment of rent and the amount of damages which the landlord
23 has suffered by reason of the tenant's noncompliance with the
24 rental agreement or section 76-1421. The balance, if any, and a
25 written itemization shall be delivered or mailed to the tenant
26 within fourteen days after demand and designation of the location

27 where payment may be made or mailed.

1 (3) If the landlord fails to comply with subsection (2)
2 of this section, the tenant may recover the property and money due
3 him or her and reasonable attorney's fees.

4 (4) This section does not preclude the landlord or tenant
5 from recovering other damages to which he or she may be entitled
6 under the Uniform Residential Landlord and Tenant Act and section
7 25-21,219.

8 (5) The holder of the landlord's interest in the premises
9 at the time of the termination of the tenancy is bound by this
10 section.

11 Sec. 5. Section 76-1446, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 76-1446. Trial of the action for possession shall be
14 held not less than five nor more than seven days after the issuance
15 of the summons unless the defendant appears and contests the
16 action. If the defendant appears and contests the action, trial of
17 the action for possession shall be held not ~~less than ten nor~~ more
18 than fourteen days after the issuance of the summons. The action
19 shall be tried by the court without a jury. If the plaintiff
20 serves the summons in the manner provided in section 76-1442.01,
21 the action shall proceed as other actions for possession except
22 that a money judgment shall not be granted for the plaintiff. If
23 judgment is rendered against the defendant for the restitution of
24 the premises, the court shall declare the forfeiture of the rental
25 agreement, and shall, at the request of the plaintiff or his or her
26 attorney, issue a writ of restitution, directing the constable or
27 sheriff to restore possession of the premises to the plaintiff on a
1 specified date not more than ~~ten~~ five days after issuance of the
2 writ of restitution. The plaintiff shall comply with the
3 Disposition of Personal Property Landlord and Tenant Act in the
4 removal of personal property remaining on the premises at the time
5 possession of the premises is restored.

6 Sec. 6. Section 76-1483, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-1483. A landlord shall not demand or receive as
9 rental deposit an amount or value in excess of ~~one~~ two month's
10 periodic rent.

11 Sec. 7. Original sections 20-131.04, 69-2304, 69-2308,
12 76-1446, and 76-1483, Reissue Revised Statutes of Nebraska, and
13 section 76-1416, Revised Statutes Supplement, 1999, are repealed.".

14 2. On page 1, strike beginning with "landlord" in line 1
15 through line 3 and insert "housing accommodations; to amend
16 sections 20-131.04, 69-2304, 69-2308, 76-1446, and 76-1483, Reissue
17 Revised Statutes of Nebraska, and section 76-1416, Revised Statutes
18 Supplement, 1999; to change and eliminate".

LEGISLATIVE BILL 504. Placed on Select File.

LEGISLATIVE BILL 510. Placed on Select File.

LEGISLATIVE BILL 692. Placed on Select File as amended.
E & R amendment to LB 692:
AM7182

- 1 1. Because of the passage of Laws 1999, LB86:
- 2 a. Strike original section 5;
- 3 b. On page 1, line 2; and page 7, line 6, strike
- 4 "23-250.01,"; and
- 5 c. Renumber the remaining sections accordingly.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1142 Friday, February 11, 2000 (cancel) 1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 919. No objections. So ordered.

COMMUNICATION

February 3, 2000

Mrs. Chris Peterson
Policy Secretary
Health and Human Services System
PO Box 95026
Lincoln, NE 68509

Dear Mrs. Peterson,

Pursuant to LB 637 and the federal Welfare Reform Act, the Nebraska Legislature has voted on the confirmation of the Nebraska State Treasurer's Office as the vendor to operate the State Disbursement Unit.

On February 2, 2000 the Legislature approved the confirmation of the Nebraska State Treasurer's Office to act as the single, centralized State Disbursement Unit for receiving and disbursing child support payments with a 34-0 vote.

Please contact my office if you should have any questions.

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

PJO:jk

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from St. Johns School, Seward; 29 fourth grade students, teacher, and sponsors from Longfellow Elementary, Hastings; 30 fourth grade students and teachers from Longfellow Elementary School, Hastings; and Rob Zatechka from Lincoln.

The Doctor of the Day was Dr. Troy Miller from Neligh.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Schrock, the Legislature adjourned until 9:00 a.m., Monday, February 7, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 7, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 7, 2000

PRAYER

The prayer was offered by Pastor Jim Eckman, Grace University, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Byars and Hartnett who were excused; and Senators Bohlke, Bromm, Brown, Dierks, Janssen, Kristensen, Landis, Robak, Schimek, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

ANNOUNCEMENT

Senator Redfield designates LB 1096 as her priority bill.

MESSAGES FROM THE GOVERNOR

February 4, 2000

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 a member of the Nebraska Environmental Trust Board:

APPOINTEE:

William Grewcock, 2123 Mullen Rd, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

February 4, 2000

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 as members of the Commission for the Deaf and Hard of Hearing:

APPOINTEES:

*Esther Seanor, 927 16th St, Gothenburg NE 69138

*Tricia Tighe, 7621 Cherrywood Dr #8, Lincoln NE 68510

Margaret Coleman, 5500 Salt Valley View #4, Lincoln NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

February 4, 2000

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 as members of the Health and Human Services System Partnership Council:

APPOINTEES:

*Stacie Bleicher, 1340 Crestdale Rd, Lincoln NE 68510

*Kathy Moore, 219 S 167, Omaha NE 68118

Peter Tulipana, 1604 S 154, Omaha NE 68144

*Ella Ochoa, 602 N Sherman, North Platte, NE 69101

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

STANDING COMMITTEE REPORTS
Urban Affairs

The Urban 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.

Volunteer Service Award Benefit Review Board

Charles Carson

Travis Mayer

Nicholas Ross

Clarence Schweitzer

James Templar

Robert Tichota

David Wees

Tim Wessling

Keith Wood

VOTE: Aye: Senators Connealy, Hartnett, Preister, Quandahl, Redfield, Schimek, and Smith. Nay: None. Absent: None.

LEGISLATIVE BILL 237. Indefinitely postponed.

LEGISLATIVE BILL 364. Indefinitely postponed.

LEGISLATIVE BILL 462. Indefinitely postponed.

LEGISLATIVE BILL 536. Indefinitely postponed.

LEGISLATIVE BILL 549. Indefinitely postponed.

LEGISLATIVE BILL 590. Indefinitely postponed.

LEGISLATIVE BILL 702. Indefinitely postponed.

LEGISLATIVE BILL 741. Indefinitely postponed.

LEGISLATIVE BILL 752. Indefinitely postponed.

LEGISLATIVE BILL 804. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Senator Bourne filed the following amendment to LB 175:
AM2269

(Amendments to E & R amendments, AM7181)

- 1 1. Strike section 6.
- 2 2. On page 4, line 15, strike the new matter and
- 3 reinstate the stricken matter.
- 4 3. On page 6, line 12, strike "76-1446, and 76-1483" and
- 5 insert "and 76-1446".
- 6 4. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 1192. Placed on General File as amended.

Standing Committee amendment to LB 1192:

AM2262

- 1 1. Insert the following new sections:
- 2 "Sec. 15. Section 79-951, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 79-951. A member shall be retired on account of
- 5 disability, either upon his or her own application or the
- 6 application of his or her employer or a person acting in his or her
- 7 behalf, if a medical examination, made at the expense of the
- 8 retirement system and conducted by a competent disinterested
- 9 physician legally authorized to practice medicine under the laws of
- 10 the state in which he or she practices, selected by the retirement
- 11 board, shows and the physician certifies to the retirement board
- 12 that the member is unable to engage in a substantially gainful
- 13 activity by reason of any medically determinable physical or mental
- 14 impairment which can be expected to result in death or be of a long
- 15 and indefinite duration. The member shall have ~~one year~~ five years
- 16 from the date he or she terminates employment in a public school
- 17 located in Nebraska in which to make application for disability
- 18 retirement benefits if the disability is related to employment in a
- 19 public school located in Nebraska. If the disability is not
- 20 related to a public school located in Nebraska, the member shall
- 21 have one year from the date he or she terminates employment in
- 22 which to make application for disability retirement benefits. Any
- 23 application for retirement on account of disability shall be made
- 24 on a retirement application provided by the retirement system.
- 1 Upon approval by the board, benefits shall begin on the disability
- 2 retirement date.

- 3 Sec. 29. Since an emergency exists, this act takes
4 effect when passed and approved according to law."
- 5 2. On page 8, strike beginning with "If" in line 11
6 through line 16.
- 7 3. On page 8, lines 27 and 28; page 16, lines 27 and 28;
8 page 30, lines 22 and 23; page 42, lines 1 and 2; page 48, lines 17
9 and 18; and page 56, lines 21 and 22, strike "in" through
10 "standards".
- 11 4. On page 9, strike lines 6 through 11 and insert:
12 "(2) The director shall develop and implement an employer
13 education program using principles generally accepted by public
14 employee retirement systems so that all employers have the
15 knowledge and information necessary to prepare and file reports as
16 the board requires.".
- 17 5. On page 17, strike beginning with "If" in line 6
18 through line 12 and insert "The director shall develop and
19 implement an employer education program using principles generally
20 accepted by public employee retirement systems so that all
21 employers have the knowledge and information necessary to prepare
22 and file reports as the board requires."; and strike beginning with
23 "If" in line 15 through line 20.
- 24 6. On page 27, line 5, after "unless" insert "(i)"; and
25 in line 6 after "position" insert "or (ii) the excess compensation
26 occurred as the result of a collective-bargaining agreement between
27 the employer and a recognized collective-bargaining unit or
1 category of school employee. For purposes of this subdivision, (A)
2 category of school employee means either all certificated employees
3 of the employer or all noncertificated employees of the employer or
4 both and (B) recognized collective bargaining unit means a group of
5 employees similarly situated with a similar community of interest
6 appropriate for bargaining recognized as such by a school board".
- 7 7. On page 31, strike lines 1 through 12 and insert:
8 "(2) The director shall develop and implement an employer
9 education program using principles generally accepted by public
10 employee retirement systems so that all employers have the
11 knowledge and information necessary to prepare and file reports as
12 the board requires.".
- 13 8. On page 41, strike beginning with "If" in line 10
14 through line 15.
- 15 9. On page 42, strike beginning with "If" in line 8
16 through line 14 and insert "The director shall develop and
17 implement an employer education program using principles generally
18 accepted by public employee retirement systems so that all
19 employers have the knowledge and information necessary to prepare
20 and file reports as the board requires.".
- 21 10. On page 48, line 10, after "director" insert "of the
22 Nebraska Public Employees Retirement Systems"; strike beginning
23 with "of" in line 15 through "Systems" in line 16; and strike lines
24 24 through 28 and insert:

25 "(2) The director shall develop and implement an employer
 26 education program using principles generally accepted by public
 27 employee retirement systems so that all employers have the
 1 knowledge and information necessary to prepare and file reports as
 2 the board requires."

3 11. On page 49, strike line 1.

4 12. On page 50, strike beginning with "If" in line 11
 5 through line 16.

6 13. On page 51, strike beginning with "in" in line 21
 7 through "standards" in line 22 and show the old matter as stricken;
 8 and strike beginning with "If" in line 27 through line 28.

9 14. On page 52, strike beginning with "and" in line 1
 10 through the period in line 4.

11 15. On page 56, lines 16 and 17, strike "may prescribe"
 12 and insert "shall consult with the Department of Administrative
 13 Services and other employers as to"; and in line 20 after the first
 14 "director" insert "of the Nebraska Public Employees Retirement
 15 Systems".

16 16. On page 57, strike lines 1 through 7 and insert:

17 "(2) The director shall develop and implement an employer
 18 education program using principles generally accepted by public
 19 employee retirement systems so that all employers have the
 20 knowledge and information necessary to prepare and file reports as
 21 the board requires."; and in line 13 after "79-902," insert
 22 "79-951,".

23 17. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1200. Placed on General File as amended.

Standing Committee amendment to LB 1200:

AM2263

1 1. On page 3, strike beginning with the underscored
 2 "the" in line 17 through the period in line 19, show the old matter
 3 as stricken, and insert "a reasonable fee as determined by the
 4 board".

5 2. On page 4, line 12; and page 11, line 14, strike "and
 6 with" and insert "for".

7 3. On page 5, line 28, strike "the".

8 4. On page 6, strike beginning with "same" in line 1
 9 through "options" in line 2, show the old matter as stricken, and
 10 insert "a reasonable fee as determined by the board".

11 5. On page 8, strike beginning with "the" in line 23
 12 through "options" in line 24, show the old matter as stricken, and
 13 insert "a reasonable fee as determined by the board".

14 6. On page 10, strike beginning with "the" in line 20
 15 through "options" in line 21, show the old matter as stricken, and
 16 insert "a reasonable fee as determined by the board".

LEGISLATIVE BILL 676. Indefinitely postponed.

(Signed) Elaine R. Stuhr, Chairperson

MOTION - Approve Appointment

Senator Quandahl moved the adoption of the report of the General Affairs Committee for the following appointment found on page 521: Nebraska Arts Council - Meredith Zutavern.

Voting in the affirmative, 33:

Aguilar	Baker	Beutler	Bourne	Brashear
Bruning	Chambers	Connealy	Coordsen	Crosby
Dickey	Engel	Hilgert	Hudkins	Jones
Kiel	Kremer	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Redfield
Schmitt	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 4:

Cudaback	Jensen	Preister	Thompson
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Excused and not voting, 12:

Bohlke	Bromm	Brown	Byars	Dierks
Hartnett	Janssen	Kristensen	Landis	Robak
Schimek	Wickersham			

The appointment was confirmed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 701. Senator Coordsen withdrew his amendment, AM2241, found on page 532 and considered on page 550.

The Standing Committee amendment, AM0719, found on page 938, First Session, 1999, and considered on page 550, was renewed.

The Standing Committee amendment was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 204. Title read. Considered.

Senator Chambers offered the following amendment:

FA286

P. 1, line 2, strike "or indirectly".

The Chambers amendment was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB 1192 and LB 1200 as its priority bills.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 626:

AM2273

- 1 1. On page 5, line 18, strike "or trade name".
- 2 2. On page 7, line 4, after "be" insert "submitted in
- 3 duplicate and shall be"; and in line 6 after "fee" insert "of one
- 4 hundred dollars".
- 5 3. On page 8, strike line 28 and insert "return the
- 6 duplicate copy of the application stamped with the filing date to".
- 7 4. On page 9, strike beginning with "Any" in line 12
- 8 through "secretary" in line 14 and insert "An original, a duplicate
- 9 original, or a certified copy of an application for trademark which
- 10 has the file stamp and date of the secretary"; in line 17 after the
- 11 period insert "Registration of a mark with the secretary shall be
- 12 prima facie evidence of the right to use the mark shown in the
- 13 registration on or in connection with class or classes of goods
- 14 designated in the registration."; in line 19 strike "five" and
- 15 insert "ten"; in line 23 after "fee" insert "of one hundred
- 16 dollars"; and in line 25 strike "five" and insert "ten".
- 17 5. On page 16, line 6, strike "three times".
- 18 6. On page 17, strike beginning with "The" in line 3
- 19 through the period in line 5.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 26. Placed on General File as amended.

Standing Committee amendment to LB 26:

AM1984

- 1 1. On page 2, line 8, after "each" insert "qualified";

2 in line 10 strike beginning with the first comma through the last
 3 comma; and strike beginning with "and" in line 11 through the
 4 second "school" in line 12 and insert ". To qualify, a school
 5 district shall operate a school lunch program and the district
 6 shall have received equalization aid as defined in section 79-1003
 7 in the school fiscal year in which the breakfasts were served".

LEGISLATIVE BILL 1161. Placed on General File as amended.
 Standing Committee amendment to LB 1161:
 AM2294

1 1. Insert the following new sections:

2 "Sec. 3. Section 84-612, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 84-612. (1) There is hereby created within the state
 5 treasury a fund known as the Cash Reserve Fund which shall be under
 6 the direction of the State Treasurer. The fund shall only be used
 7 pursuant to this section.

8 (2) The State Treasurer shall transfer funds from the
 9 Cash Reserve Fund to the General Fund upon certification by the
 10 Director of Administrative Services that the current cash balance
 11 in the General Fund is inadequate to meet current obligations.
 12 Such certification shall include the dollar amount to be
 13 transferred.

14 (3) Any transfers made pursuant to subsections (2) and
 15 (5) of this section shall be reversed upon notification by the
 16 Director of Administrative Services that sufficient funds are
 17 available.

18 (4) On or before August 1, 1994, the State Treasurer
 19 shall transfer six million dollars from the Cash Reserve Fund to
 20 the Job Training Cash Fund.

21 (5) The State Treasurer shall transfer funds from the
 22 Cash Reserve Fund to the Roads Operations Cash Fund upon
 23 certification by the Director of Administrative Services that the
 24 current cash balance in the Roads Operations Cash Fund is
 1 inadequate to meet current obligations as the result of delayed
 2 receipt of federal funds. The certification shall include the
 3 dollar amount to be transferred. The authority to transfer funds
 4 pursuant to this subsection shall be in effect for the period July
 5 1, 1998, through June 30, 1999.

6 (6) On or before September 1, 1998, the State Treasurer
 7 shall transfer four million five hundred thousand dollars from the
 8 Cash Reserve Fund to the General Fund.

9 ~~(7) On or before September 1, 1998, the State Treasurer~~
 10 ~~shall transfer two million dollars from the Cash Reserve Fund to~~
 11 ~~the Reorganized School Assistance Fund.~~

12 ~~(8) (7)~~ On June 15, 1999, the State Treasurer shall
 13 transfer twelve million dollars from the Cash Reserve Fund to the
 14 General Fund.

15 ~~(9) (8)~~ On or before June 30, 1999, the State Treasurer

16 shall transfer eighty million dollars from the Cash Reserve Fund to
17 the General Fund.

18 ~~(10)~~ (9) On June 15, 2001, the State Treasurer shall

19 transfer twenty-eight million dollars from the Cash Reserve Fund to
20 the General Fund.

21 ~~(11)~~ (10) On August 16, 1999, the State Treasurer shall

22 transfer thirty million dollars from the Cash Reserve Fund to the
23 Relief to Property Taxpayers Cash Fund for the purposes of
24 increased aid to community colleges.

25 ~~(12)~~ (11) On August 16, 2000, the State Treasurer shall

26 transfer thirty-five million dollars from the Cash Reserve Fund to
27 the Relief to Property Taxpayers Cash Fund.

1 ~~(13)~~ (12) On August 1, 2001, the State Treasurer shall

2 transfer thirty-five million dollars from the Cash Reserve Fund to
3 the General Fund for purposes of funding the Tax Equity and
4 Educational date to the General Fund for purposes of funding the
5 Tax Equity and Educational Opportunities Support Act.

6 Sec. 5. The following section is outright repealed:

7 Section 79-1010.01, Revised Statutes Supplement, 1998".

8 2. On page 2, line 10, strike "2001", show as stricken,
9 and inset "2004".

10 3. On page 7, lines 8 and 9, strike "and 2001-02", show

11 as stricken, and insert "through 2004-05"; strike beginning with
12 "Any" in line 20 through the period in line 23 and show as
13 stricken; and strike beginning with "Reorganized" in line 27
14 through "the" in line 28 and show as stricken.

15 4. On page 8, line 2, after "section" insert an

16 underscored period; strike beginning with "for" in line 2 through
17 the period in line 3 and show the old matter as stricken; in line 6
18 after "of" insert "base fiscal year"; strike beginning with "five"
19 in line 9 through "2001-02" in line 10, show the old matter as
20 stricken, and insert "five million dollars"; in line 12 after "of"
21 insert "such"; and in line 17 strike "2002", show as stricken, and
22 insert "2005".

23 5. On page 11, line 8, after "Original" insert "section

24 84-612, Reissue Revised Statutes of Nebraska, and".

25 6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 896. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1004. Placed on General File as amended.

Standing Committee amendment to LB 1004:

AM2239

1 1. On page 8, line 7, strike "(4)", show as stricken,

2 and insert "(4)(a)".

3 2. On page 8, line 11; and page 17, line 9, strike "as
4 it", show as stricken, and insert ", or under a law of another
5 state, the United States, or any territory subject to the
6 jurisdiction of the United States which, if the offending act was
7 committed in this state, would be a violation of this section, as
8 such section".

9 3. On page 8, line 12; and page 17, line 10, after
10 "section" insert "or any conviction under a city or village
11 ordinance enacted pursuant to this section, or under a city or
12 village ordinance enacted pursuant to a law of another state, the
13 United States, or any territory subject to the jurisdiction of the
14 United States which, if the offending act was committed in this
15 state, would be a violation of this section, as such section
16 existed at the time of such conviction regardless of subsequent
17 amendments to such section."

18 (b) For purposes of this section, (i) the courts shall
19 take judicial notice of the statutes of other states, the United
20 States, and any territory subject to the jurisdiction of the United
21 States and city or village ordinances enacted pursuant to a law of
22 another state, the United States, or any territory subject to the
23 jurisdiction of the United States which define offenses like those
24 described in this section and (ii) any conviction under a law of
1 another state, the United States, or any territory subject to the
2 jurisdiction of the United States or under a city or village
3 ordinance enacted pursuant to a law of another state, the United
4 States, or any territory subject to the jurisdiction of the United
5 States shall constitute a prior conviction if the offending act
6 would have been a violation of this section as it existed at the
7 time of such conviction".

8 4. On page 17, line 5, strike "(6)", show as stricken,
9 and insert "(6)(a)".

LEGISLATIVE BILL 1027. Placed on General File as amended.
Standing Committee amendment to LB 1027:

AM2256

1 1. Strike original section 2 and insert the following
2 new section:
3 "Sec. 2. It is unlawful to use nitrous oxide as a fuel
4 additive in any motor vehicle operated on any highway in this
5 state.".

LEGISLATIVE BILL 1287. Placed on General File as amended.
Standing Committee amendment to LB 1287:

AM2238

1 1. Strike section 11 and insert the following new
2 section:
3 "Sec. 17. This act becomes operative on June 1, 2000."
4 2. On page 14, line 18; page 16, line 13; and page 17,
5 lines 12 and 18, strike "15" and insert "14".

- 6 3. On page 16, line 19, after "vehicle" insert "or any
7 other vehicle designed primarily for off-road use"; and in lines 26
8 and 28 strike "thirty-five" and insert "thirty".
- 9 4. On page 17, line 2, strike "thirty-five" and insert
10 "thirty"; in line 6 after the period insert "Each low-speed vehicle
11 shall be equipped with: Head lamps; front and rear turn signal
12 lamps; tail lamps; stop lamps; one red reflex reflector on each
13 side as far to the rear as practicable and one red reflex reflector
14 on the rear; an exterior mirror mounted on the driver's side of the
15 vehicle and either an exterior mirror mounted on the passenger's
16 side of the vehicle or an interior mirror; a parking brake; a
17 windshield of AS-1 or AS-5 composition that conforms to the
18 American National Standards Institute's Safety Code for Safety
19 Glazing Materials for Glazing Motor Vehicles Operating on Land
20 Highways, Z-26.1 - 1977, January 28, 1977, as supplemented by
21 Z-26.1a, July 3, 1980; a vehicle identification number that
22 conforms to the requirements of 49 C.F.R. part 565; and a type 1 or
23 type 2 seat belt assembly conforming to 49 C.F.R. section 571.209
24 installed at each designated seating position."; and strike
1 beginning with the comma in line 13 through "vehicle" in line 15.
2 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1002. Indefinitely postponed.

LEGISLATIVE BILL 1050. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 438. Placed on Select File as amended.

E & R amendment to LB 438:

AM7183

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 49-1401, Revised Statutes
4 Supplement, 1999, is amended to read:
5 49-1401. Sections 49-1401 to 49-14,141 and section 3 of
6 this act shall be known and may be cited as the Nebraska Political
7 Accountability and Disclosure Act. Any reference to sections
8 49-1401 to 49-14,138 shall be construed to include sections
9 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25,
10 1989, any reference to sections 49-1401 to 49-14,138 shall be
11 construed to include sections 49-14,123.01 and 49-14,140.
12 Sec. 2. Section 49-1458, Revised Statutes Supplement,
13 1999, is amended to read:
14 49-1458. (1) A late contribution shall be reported by
15 filing with the filing officer within five days after committee
16 which receives a late contribution shall report the contribution to

17 the commission by filing within two days after the date of its
18 receipt the full name, street address, occupation, employer, and
19 principal place of business of the contributor. The report shall
20 include the amount of the contribution and the date of receipt.
21 Filing of a report of late contributions may be by hand delivery,
22 facsimile transmission, telegraph, express delivery service, or any
23 other written means of communication, including electronic means
24 approved by the commission, and need not contain an original
1 signature. A late contribution shall be reported on subsequent
2 campaign statements without regard to reports filed pursuant to
3 this section. If a campaign statement has not been filed, a late
4 contribution may be reported, if practicable, in the campaign
5 statement and need not be reported in a subsequent campaign
6 statement.

7 (2) Any person or committee which fails to file a report
8 of late contributions with the commission as required by this
9 section shall pay to the commission a late filing fee of one
10 hundred dollars for each day the report remains not filed not to
11 exceed three thousand dollars or ten percent of the late
12 contribution required to be reported, whichever is greater.

13 (3) For purposes of this section, late contribution means
14 a contribution as defined in section 49-1415. As used in this
15 section, late contribution shall mean a contribution of one
16 thousand dollars or more received after the closing date of the
17 last campaign statement required to be filed prior to an election
18 for campaign statements as provided in subdivision (1)(b) of
19 section 49-1459.

20 Sec. 3. (1) An independent committee, including a
21 separate segregated political fund, which makes a late independent
22 expenditure shall report the expenditure to the commission by
23 filing within two days after the date of the expenditure the
24 committee's full name and street address, the amount of the
25 expenditure, and the date of the expenditure. The report shall
26 include (a) the full name and street address of the recipient of
27 the expenditure, (b) the name and office sought of the candidate
1 whose nomination or election is supported or opposed by the
2 expenditure, and (c) the identification of the ballot question, the
3 qualification, passage, or defeat of which is supported or opposed.
4 Filing of a report of a late independent expenditure may be by any
5 written means of communication, including electronic means approved
6 by the commission, and need not contain an original signature. A
7 late independent expenditure shall be reported on subsequent
8 campaign statements without regard to reports filed pursuant to
9 this section.

10 (2) A committee which fails to file a report of a late
11 independent expenditure with the commission as required by this
12 section shall pay to the commission a late filing fee of fifty
13 dollars for each day the report remains not filed not to exceed one
14 thousand five hundred dollars or ten percent of the late

15 independent expenditure required to be reported, whichever is
 16 greater.

17 (3) For purposes of this section, late independent
 18 expenditure means an independent expenditure as defined in section
 19 49-1428 of five hundred dollars or more made after the closing date
 20 for campaign statements as provided in subdivision (1)(b) of
 21 section 49-1459.

22 Sec. 4. Section 49-1463.01, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 49-1463.01. A person required to pay a late filing fee
 25 imposed under section 32-1604.01, 49-1446.05, 49-1449, 49-1458,
 26 49-1463, 49-1467, 49-1469, or 49-1479.01 or section 3 of this act
 27 may apply to the commission for relief. The commission by order
 1 may reduce the amount of a late filing fee imposed upon a showing
 2 by such person that (1) the circumstances indicate no intent to
 3 file late, (2) the person has not been required to pay late filing
 4 fees for two years prior to the time the filing was due, (3) the
 5 late filing shows that less than five thousand dollars was raised,
 6 received, or expended during the reporting period, and (4) a
 7 reduction of the late fees would not frustrate the purposes of the
 8 Nebraska Political Accountability and Disclosure Act. A person
 9 required to pay a late filing fee imposed for failure to file a
 10 statement of exemption under subsection (2) of section 49-1459 may
 11 apply to the commission for relief. The commission by order may
 12 reduce or waive the late filing fee and the person shall not be
 13 required to make a showing as provided by this section.

14 Sec. 5. Original section 49-1463.01, Reissue Revised
 15 Statutes of Nebraska, and sections 49-1401 and 49-1458, Revised
 16 Statutes Supplement, 1999, are repealed."

17 2. On page 1, strike beginning with "sections" in line 2
 18 through line 3 and insert "section 49-1463.01, Reissue Revised
 19 Statutes of Nebraska, and sections 49-1401 and 49-1458, Revised
 20 Statutes Supplement, 1999; to"; and in line 5 after the first
 21 "late" insert "independent".

LEGISLATIVE BILL 482A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Bleicher, Stacie - Health and Human Services System Partnership Council --
 Health and Human Services

Coleman, Margaret - Commission for the Deaf and Hard of Hearing --
 Health and Human Services

Grewcock, William - Nebraska Environmental Trust Board -- Natural Resources

Moore, Kathy - Health and Human Services System Partnership Council -- Health and Human Services

Ochoa, Ella - Health and Human Services System Partnership Council -- Health and Human Services

Seanor, Esther - Commission for the Deaf and Hard of Hearing -- Health and Human Services

Tighe, Tricia - Commission for the Deaf and Hard of Hearing -- Health and Human Services

Tulipana, Peter - Health and Human Services System Partnership Council -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Senator Thompson filed the following amendment to LB 652:
(Amendment, AM2267, 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 74. Title read. Considered.

The Standing Committee amendment, AM0740, found on page 950, First Session, 1999, was considered.

SENATOR CUDABACK PRESIDING

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 992A. 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 992, Ninety-sixth Legislature, Second Session, 2000.

UNANIMOUS CONSENT - Add Cointroducer

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 1241 and LB 1410. No objections. So ordered.

WITHDRAW - Cointroducers

Senator Baker withdrew his name as cointroducer to LB 1394.

Senator Hudkins withdrew her name as cointroducer to LB 1437.

Senator Stuhr withdrew her name as cointroducer to LB 1394.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 1196. Placed on General File.

LEGISLATIVE BILL 1206. Placed on General File.

LEGISLATIVE BILL 1365. Placed on General File.

LEGISLATIVE BILL 1135. Placed on General File as amended.

(Standing Committee amendment, AM2284, 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 1170. Placed on General File as amended.

(Standing Committee amendment, AM2112, 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 1190. Placed on General File as amended.

Standing Committee amendment to LB 1190:

AM2114

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. Section 2-259, Revised Statutes Supplement,
- 4 1999, is amended to read:
- 5 2-259. Pursuant to a request by a county agricultural
- 6 society, the county board of any county may levy an additional levy
- 7 of three and five-tenths cents on each one hundred dollars of
- 8 taxable valuation, or any part thereof, for the purpose of
- 9 acquiring an interest in real property to comprise a portion or all
- 10 of the county fairgrounds or for the purpose of capital
- 11 construction on and renovation, repair, improvement, and
- 12 maintenance of the county fairgrounds, over and above the
- 13 operational tax levy authorized in section 2-257. Such levy shall

14 not exceed the amount actually required for such acquisition or
 15 work and . In counties having a population of more than sixty
 16 thousand inhabitants but not more than three hundred fifty thousand
 17 inhabitants and also containing a city of the primary class, such
 18 additional levy or any part thereof may be levied for the purpose
 19 of capital construction on and renovation, repair, improvement, and
 20 maintenance of the county fairgrounds or the Nebraska State
 21 Fairgrounds. The additional levy shall be subject to section
 22 77-3443."

LEGISLATIVE BILL 1288. Placed on General File as amended.
 Standing Committee amendment to LB 1288:
 AM2282

1 1. On page 3, line 11, strike "when" and insert "with
 2 the commission within thirty days after"; and in line 16 after the
 3 period insert "Proof of any required increase in the amount of the
 4 bond shall be filed with the commission within thirty days after
 5 each additional five hundred thousand dollars is received or
 6 expended.".
 7 2. On page 5, strike beginning with "beginning" in line
 8 13 through "penalty" in line 14; and in line 15 after the period
 9 insert "The interest shall begin to accrue thirty days after the
 10 commission sends notice to the person of the assessment of the late
 11 filing fee or civil penalty. A written request filed with the
 12 commission for relief from late filing fees shall stay the accrual
 13 of interest on a late filing fee until such time as the commission
 14 grants or denies the request.".

LEGISLATIVE BILL 1410. Placed on General File as amended.
 Standing Committee amendment to LB 1410:
 AM2297

1 1. On page 2, line 3, strike "six" and insert "five"; in
 2 line 4 strike "two" and insert "one"; in lines 10, 11, and 13,
 3 before the semicolon insert "or his or her designee"; in line 13
 4 strike "and"; strike beginning with "A" in line 14 through the
 5 first "the" in line 15 and insert "The"; and in line 16 after
 6 "Nebraska" insert "or his or her designee; and
 7 (f) The executive director of the Commission on Indian
 8 Affairs or his or her designee".

LEGISLATIVE BILL 1199. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were the Paul and Jean Blase family from Hordville.

The Doctor of the Day was Dr. Todd Stuckey from Plattsmouth.

ADJOURNMENT

At 11:02 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, February 8, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 8, 2000

PRAYER

The prayer was offered by Pastor Matthew Culbertson, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Bohlke, Byars, Hudkins, Kiel, Kristensen, Landis, Price, Raikes, Schimek, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1273A. 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 1273, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

REPORTS

The following reports were received by the Legislature:

Environmental Quality, Department of

Program #518 - no activity

Small Town Grants Program #523 Semi-annual Report

Geographic Information Systems Steering Committee, Nebraska
Annual Report

Health and Human Services System

Excellence in Health Care Trust Fund Annual Report
Nursing Facility Conversion Grant Program Annual Report

Investment Finance Authority, Nebraska (NIFA)

Community Development Loan Notes (City of Lincoln Program-1999)
1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1, and D-2
General Obligation Bonds 1999 Series G.O.-7
State Revolving Fund Revenue Bonds Series 1996
State Revolving Fund Revenue Bonds Series 1998
Single Family Housing Revenue Bonds Series 1998 CDE&F and General
Obligation Bonds Series 1998 G.O.-3 Quarterly Report
Single Family Housing Revenue Bonds Series 1999 AB&C and General
Obligation Bonds Series 1998 G.O.-5 Quarterly Report
Single Family Housing Revenue Bonds Series 1999 D and General
Obligation Bonds Series 1998 G.O.-6 Quarterly Report
Single Family Housing Revenue Bonds Series 1999 E and General
Obligation Bonds Series 1998 G.O.-8 Quarterly Report

Roads, Department of

State Highway Commission Quarterly Report

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 654. Placed on Select File as amended.
(E & R amendment, AM7184, 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 654A. Placed on Select File as amended.
E & R amendment to LB 654A:
AM7185

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. There is hereby appropriated (1) \$1,420,000
4 from the State Building Renewal Assessment Fund for FY1999-00 to
5 the Department of Administrative Services, for Program 940 - Task
6 Force for Building Renewal, and (2) \$3,010,000 from the State
7 Building Renewal Assessment Fund for FY2000-01 to the Department of
8 Administrative Services, for Program 940 - Task Force for Building
9 Renewal, to aid in carrying out the provisions of Legislative Bill
10 654, Ninety-sixth Legislature, Second Session, 2000.
11 No expenditures for permanent and temporary salaries and
12 per diems for state employees shall be made from funds appropriated

13 in this section.

14 Pursuant to section 81-188.01, funds appropriated in this
 15 section shall be expended to conduct renewal work as defined in
 16 section 81-173. The Task Force for Building Renewal shall allocate
 17 funds appropriated in this section for building renewal projects
 18 and shall administer such funds in a manner consistent with the
 19 Deferred Building Renewal Act.

20 The unexpended balance of the State Building Renewal
 21 Assessment Fund appropriation contained in subdivision (1) of this
 22 section, existing on June 30, 2000, is hereby reappropriated.

23 Sec. 2. Since an emergency exists, this act takes effect
 24 when passed and approved according to law."

- 1 2. On page 1, line 3, strike "First Session, 1999" and
- 2 insert "Second Session, 2000".

Correctly Engrossed

The following bills were correctly engrossed: LBs 55, 151, 482, and 729.

Enrollment and Review Change to LB 482

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

ER9112

1. In the E & R amendments, AM7177, on page 2, line 7, "words" has
 been struck and "wards" inserted.

Enrollment and Review Change to LB 729

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

ER9113

1. On page 1, line 2, ", 32-1408," has been struck.

(Signed) Adrian M. Smith, Chairperson

MOTION - Approve Appointment

Senator Bromm moved the adoption of the report of the Transportation and
 Telecommunications Committee for the following appointment found on
 page 546: Motor Vehicles, Director - Beverly Neth.

Voting in the affirmative, 33:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Chambers	Connealy	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hilgert	Jensen	Jones	Kremer	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Quandahl	Raikes

Redfield	Schmitt	Schrock	Smith	Suttle
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Brashear	Janssen	Preister	Robak
Stuhr	Thompson			

Excused and not voting, 9:

Bohlke	Byars	Hudkins	Kiel	Kristensen
Landis	Price	Schimek	Wickersham	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 295. Read. Considered.

LR 295 was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 296. Read. Considered.

LR 296 was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 183. Indefinitely postponed.
LEGISLATIVE BILL 365. Indefinitely postponed.
LEGISLATIVE BILL 453. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.
LEGISLATIVE BILL 535. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.
LEGISLATIVE BILL 1339. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 74. The Standing Committee amendment, AM0740, found on page 950, First Session, 1999, and considered on page 571, was renewed.

The Standing Committee amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:

AM2315

1 1. Strike original section 2 and insert the following

2 new sections:

3 "Sec. 2. Section 60-688, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 60-688. Prosecutions for violations declared by the

6 Nebraska Rules of the Road to be misdemeanors or felonies shall be

7 conducted and disposed of in the same manner as provided for such

8 prosecutions under the laws of this state, and traffic infractions

9 shall be treated in the same manner as misdemeanors, except as
10 otherwise provided by law.

11 Sec. 3. Original sections 60-672 and 60-688, Reissue

12 Revised Statutes of Nebraska, are repealed.".

The Beutler amendment 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 RESOLUTION 20CA. Read. Considered.

SPEAKER KRISTENSEN PRESIDING

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 900. Title read. Considered.

Senators Kremer, Jensen, Wehrbein, and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM2082, found on page 391, was

adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 1225	Wednesday, February 16, 2000 (cancel)	1:30 p.m.
LB 1225	Thursday, February 24, 2000 (reschedule)	1:30 p.m.
LB 1300	Wednesday, February 16, 2000 (cancel)	1:30 p.m.
LB 1300	Thursday, February 24, 2000 (reschedule)	1:30 p.m.
LB 1408	Wednesday, February 16, 2000 (cancel)	1:30 p.m.
LB 1408	Thursday, February 24, 2000 (reschedule)	1:30 p.m.
	Thursday, February 17, 2000	1:30 p.m.
	Health and Human Services, Policy Secretary	
	Chris Peterson	

(Signed) Jim Jensen, Chairperson

Judiciary

LB 971	Wednesday, February 16, 2000	1:30 p.m.
LB 993	Wednesday, February 16, 2000	1:30 p.m.
LB 1035	Wednesday, February 16, 2000	1:30 p.m.
LB 1102	Wednesday, February 16, 2000	1:30 p.m.
LB 1142	Wednesday, February 16, 2000 (Reschedule)	1:30 p.m.
LB 1422	Wednesday, February 16, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, 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.

Commission of Industrial Relations
William Blake
G. Pete Burger

VOTE: Aye: Senators Vrtiska, Hilgert, Preister, Redfield, and Schimek.
Nay: None. Absent: Senator Dierks.

(Signed) Floyd P. Vrtiska, Chairperson

MOTION - Print in Journal

Senator Vrtiska filed the following motion:

Permit the introduction of new bills by the Business and Labor Committee (Req. 2098 and Req. 2099):

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 966. Placed on General File.

LEGISLATIVE BILL 1013. Placed on General File as amended.
Standing Committee amendment to LB 1013:
AM2249

- 1 1. On page 2, after line 17 insert:
- 2 "The changes made to this section by this legislative
- 3 bill shall apply to causes of action accruing on and after the
- 4 effective date of this act."

LEGISLATIVE BILL 94. Indefinitely postponed.

LEGISLATIVE BILL 98. Indefinitely postponed.

LEGISLATIVE BILL 190. Indefinitely postponed.

LEGISLATIVE BILL 222. Indefinitely postponed.

LEGISLATIVE BILL 343. Indefinitely postponed.

LEGISLATIVE BILL 633. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Agriculture

LEGISLATIVE BILL 1052. Placed on General File as amended.
Standing Committee amendment to LB 1052:
AM2261

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) Any person who operates a dairy
- 4 operation located within the brand inspection area may make
- 5 application to the Nebraska Brand Committee for registration as a
- 6 registered dairy. The application form shall be prescribed by the
- 7 brand committee and shall be made available by the director of the
- 8 brand committee for this purpose upon written request. If the
- 9 applicant is an individual, the application shall include the
- 10 applicant's social security number. After the brand committee has
- 11 received a properly completed application, an agent of the brand
- 12 committee shall within thirty days make an investigation to
- 13 determine if the following requirements are satisfied:
- 14 (a) The operator's dairy must be permanently fenced; and
- 15 (b) The operator must identify each animal individually
- 16 as directed by the Nebraska Brand Committee.

17 If the application is satisfactory, and upon payment of a
18 registration fee by the applicant, the brand committee shall issue
19 a registration number and registration certificate valid for one
20 year unless rescinded for cause. If the registration is rescinded
21 for cause, any registration fee shall be forfeited by the
22 applicant. The fee for a registered dairy shall be not less than
23 one hundred dollars nor more than six hundred fifty dollars for
24 each such registered dairy having one thousand head or less
1 capacity and an equal amount for each additional one thousand head
2 capacity, or part thereof, of such registered dairy. The brand
3 committee shall set the fee per one thousand head capacity so as to
4 correspond with the inspection fee provided under section 54-1,108.
5 The registration fee shall be paid on an annual basis.

6 (2) The brand committee may adopt and promulgate rules
7 and regulations for the operation of registered dairies to assure
8 that brand laws are complied with, that registered dairy shipping
9 certificates are available, and that proper records are maintained.
10 This section shall not be construed as prohibiting the operation of
11 nonregistered dairies.

12 (3) A registered dairy is subject to inspection at any
13 reasonable time at the discretion of the brand committee and its
14 authorized agents, and the operator shall show cattle purchase
15 records or certificates of inspection to cover all cattle in his or
16 her dairy. Cattle having originated from any such registered dairy
17 may from time to time, at the discretion of the committee, be
18 subject to a spot-check inspection and audit at the destination to
19 enable the brand committee to assure satisfactory compliance with
20 the brand laws by the registered dairy operator.

21 (4) The operator of a registered dairy shall keep cattle
22 inventory records. A form for such purpose shall be prescribed by
23 the brand committee. The brand committee and its employees may
24 from time to time make spot checks and audits of registered dairies
25 and the records of cattle in such registered dairies.

26 (5) The brand committee may rescind or suspend the
27 registration of any registered dairy operator who fails to
1 cooperate or violates the laws or rules and regulations of the
2 brand committee covering registered dairies.

3 Sec. 2. (1) Cattle sold or shipped from a registered
4 dairy, for purposes other than direct slaughter or sale on any
5 terminal market, are subject to the brand inspection under sections
6 54-1,110 to 54-1,119 and the seller or shipper shall bear the cost
7 of such inspection at the regular fee.

8 (2) Any other cattle shipped from a registered dairy are
9 not subject to brand inspection at origin or destination, but the
10 shipper must have a shipping certificate from the registered dairy.
11 The shipping certificate form shall be prescribed by the Nebraska
12 Brand Committee and shall show the registered dairy operator's
13 name, registration number, date shipped, destination, agency
14 receiving the cattle, number of head in the shipment, and sex. The

15 shipping certificate shall be completed in triplicate by the
16 registered dairy operator at the time of shipment, and one copy
17 thereof shall be delivered to the brand inspector at the market
18 along with shipment, if applicable, one copy shall be sent to the
19 brand committee by the tenth day of the following month, and one
20 copy shall be retained by the registered dairy operator. If a
21 shipping certificate does not accompany a shipment of cattle from a
22 registered dairy to any destination where brand inspection is
23 maintained by the brand committee, all such cattle are subject to a
24 brand inspection and inspection fees shall be charged for the
25 service.

26 (3) Any cattle originating in a state that has a brand
27 inspection agency and which are accompanied by a certificate of
1 inspection or brand clearance issued by such agency may be moved
2 directly from the point of origin into a registered dairy. Any
3 cattle not accompanied by such a certificate of inspection or brand
4 clearance or by satisfactory evidence of ownership from states or
5 portions of states not having brand inspection shall be inspected
6 for brands by the Nebraska Brand Committee within a reasonable time
7 after arrival at a registered dairy, and the inspection fee
8 provided under section 54-1,108 shall be collected by the brand
9 inspector at the time the inspection is performed.

10 Sec. 3. Section 54-170, Revised Statutes Supplement,
11 1999, is amended to read:

12 54-170. Sections 54-170 to 54-1,127 and sections 1 and 2
13 of this act shall be known and may be cited as the Livestock Brand
14 Act.

15 Sec. 4. Section 54-198, Revised Statutes Supplement,
16 1999, is amended to read:

17 54-198. (1) Any person having livestock may record a
18 brand, which he or she has the exclusive right to use in this
19 state, and it is unlawful to use any brand for branding any
20 livestock unless the person using such brand has recorded that
21 brand with the Nebraska Brand Committee.

22 (2) After January 1, 1962, only a hot iron brand shall be
23 used to brand a live animal. A freeze brand or hot iron brand may
24 be used for in-herd identification purposes such as for year or
25 production records. With respect to hot iron brands used for
26 in-herd identification, the numerals 0, 1, 2, 3, 4, 5, 6, 7, 8, and
27 9 in singular or triangular position are reserved on both the right
1 and left shoulder of all cattle, except that such shoulder location
2 for a single-number hot iron brand may be used for year branding
3 for in-herd identification purposes, and an alphabetical letter may
4 be substituted for one of the numerals used in a triangular
5 configuration for in-herd identification purposes. The in-herd
6 identification brand shall be used in conjunction with the recorded
7 brand and shall be on the same side of the animal as the recorded
8 brand. Freeze branding for in-herd identification may be applied
9 in any location and any configuration with any combination of

10 numerals or alphabetical letters.

11 (3) It shall be unlawful to knowingly maintain a herd
12 containing one or more animals which the possessor has branded, or
13 caused to be branded, in violation of this section or any other
14 provision of the Livestock Brand Act.

15 Sec. 5. Section 54-1,110, Revised Statutes Supplement,
16 1999, is amended to read:

17 54-1,110. (1) Except as provided in subsections (2) and
18 (3) of this section, no person shall move, in any manner, cattle
19 from a point within the brand inspection area to a point outside
20 the brand inspection area unless such cattle first have a brand
21 inspection by the Nebraska Brand Committee and a certificate of
22 inspection is issued. A copy of such certificate shall accompany
23 the cattle and shall be retained by all persons moving such cattle
24 as a permanent record.

25 (2) Cattle in a registered feedlot registered pursuant to
26 under sections 54-1,120 to 54-1,122 or a registered dairy
27 registered under sections 1 and 2 of this act are not subject to
1 the brand inspection of subsection (1) of this section. Possession
2 by the shipper or trucker of a shipping certificate from the
3 registered feedlot constitutes compliance if the cattle being
4 shipped are as represented on such shipping certificate.

5 (3) If the line designating the brand inspection area
6 divides a farm or ranch or lies between noncontiguous parcels of
7 land which are owned or operated by the same cattle owner or
8 owners, a permit may be issued, at the discretion of the Nebraska
9 Brand Committee, to the owner or owners of cattle on such farm,
10 ranch, or parcels of land to move the cattle in and out of the
11 brand inspection area without inspection. If the line designating
12 the brand inspection area lies between a farm or ranch and nearby
13 veterinary medical facilities, a permit may be issued, at the
14 discretion of the brand committee, to the owner or owners of cattle
15 on such farm or ranch to move the cattle in and out of the brand
16 inspection area without inspection to obtain care from the
17 veterinary medical facilities. The brand committee shall issue
18 initial permits only after receiving an application which includes
19 an application fee of ten dollars. The brand committee shall mail
20 all current permitholders an annual renewal notice, for January 1
21 renewal, which requires a renewal fee of ten dollars. If the
22 permit conditions still exist, the cattle owner or owners may renew
23 the permit.

24 (4) No person shall sell any cattle knowing that the
25 cattle are to be moved, in any manner, in violation of this
26 section. Proof of shipment or removal of the cattle from the brand
27 inspection area by the buyer or his or her agent is prima facie
1 proof of knowledge that sale was had for removal from the brand
2 inspection area.

3 (5) In cases of prosecution for violation of this
4 section, venue may be established in the county of origin or any

5 other county through which the cattle may pass in leaving the brand
6 inspection area.

7 Sec. 6. Section 54-1,111, Revised Statutes Supplement,
8 1999, is amended to read:

9 54-1,111. (1) Except as provided in subsection (2) of
10 this section, no person shall sell or trade any cattle located
11 within the brand inspection area, nor shall any person buy or
12 purchase any such cattle unless the cattle have been inspected for
13 brands and ownership and a certificate of inspection or brand
14 clearance has been issued by the Nebraska Brand Committee. Any
15 person selling such cattle shall present to the brand inspector a
16 properly executed bill of sale, brand clearance, or other
17 satisfactory evidence of ownership which shall be filed with the
18 original certificate of inspection in the records of the brand
19 committee. Any time a brand inspection is required by law, a brand
20 investigator or brand inspector may transfer evidence of ownership
21 of such cattle from a seller to a buyer by issuing a certificate of
22 inspection.

23 (2) A brand inspection is not required:

24 (a) For cattle of a registered feedlot registered under
25 sections 54-1,120 to 54-1,122 shipped for direct slaughter or sale
26 on any terminal market;

27 (b) For cattle of a registered dairy registered under
1 sections 1 and 2 of this act shipped for direct slaughter or sale
2 on any terminal market;

3 (c) ~~(b)~~ For cattle that are transferred to a family
4 corporation when all the shares of capital stock of the corporation
5 are owned by the husband, wife, children, or grandchildren of the
6 transferor and there is no consideration for the transfer other
7 than the issuance of stock of the corporation to such family
8 members;

9 (d) ~~(e)~~ When the change of ownership of cattle is a
10 change in form only and the surviving interests are in the exact
11 proportion as the original interests of ownership. When there is a
12 change of ownership described in subdivision ~~(2)(b)~~ ~~or~~ ~~(e)~~ ~~(2)(c)~~
13 ~~or~~ ~~(d)~~ of this section, an affidavit, on a form prescribed by the
14 Nebraska Brand Committee, signed by the transferor and stating the
15 nature of the transfer and the number of cattle involved and the
16 brands presently on the cattle, shall be filed with the brand
17 committee;

18 (e) ~~(d)~~ For cattle sold or purchased for educational or
19 exhibition purposes or other recognized youth activities if a
20 properly executed bill of sale is exchanged and presented upon
21 demand. Educational or exhibition purpose means cattle sold or
22 purchased for the purpose of being fed, bred, managed, or tended in
23 a program designed to demonstrate or instruct in the use of various
24 feed rations, the selection of individuals of certain physical
25 conformation or breeds, the measurement and recording of rate of
26 gain in weight or fat content of meat or milk produced, or the

27 preparation of cattle for the purpose of exhibition or for judging
1 as to quality and conformation;

2 (f) (e) For calves under the age of thirty days sold or
3 purchased at private treaty if a bill of sale is exchanged and
4 presented upon demand; and

5 (g) (f) For purebred cattle raised by the seller and
6 individually registered with an organized breed association if a
7 properly executed bill of sale is exchanged and presented upon
8 demand.

9 Sec. 7. Section 54-1,121, Revised Statutes Supplement,
10 1999, is amended to read:

11 54-1,121. Cattle sold or shipped from a registered
12 feedlot, for purposes other than direct slaughter or sale on any
13 terminal market, are subject to the brand inspection under sections
14 54-1,110 and to 54-1,119, and the seller or shipper shall bear the
15 cost of such inspection at the regular fee.

16 Any other cattle shipped from a registered feedlot are
17 not subject to brand inspection at origin or destination, but the
18 shipper must have a shipping certificate from the registered
19 feedlot. The shipping certificate form shall be prescribed by the
20 Nebraska Brand Committee and shall show the registered feedlot
21 operator's name, registration number, date shipped, destination,
22 agency receiving the cattle, number of head in the shipment, and
23 sex. The shipping certificate shall be completed in triplicate by
24 the registered feedlot operator at the time of shipment, and one
25 copy thereof shall be delivered to the brand inspector at the
26 market along with shipment, if applicable, one copy shall be sent
27 to the brand committee by the tenth day of the following month, and
1 one copy shall be retained by the registered feedlot operator. If
2 a shipping certificate does not accompany a shipment of cattle from
3 a registered feedlot to any destination where brand inspection is
4 maintained by the brand committee, all such cattle shall be subject
5 to a brand inspection and inspection fees shall be charged for the
6 service.

7 Sec. 8. Section 54-1185, Revised Statutes Supplement,
8 1999, is amended to read:

9 54-1185. Inspection provided for in sections 54-1183 to
10 54-1185 shall be conducted in the manner established by the
11 Livestock Brand Act. The owner or operator making such election
12 shall may be required to guarantee to the Nebraska Brand Committee
13 that inspection fees derived from such livestock auction market or
14 packing plant will be sufficient, in each ~~six-month~~ twelve-month
15 period, to pay the per diem and mileage of the inspectors required
16 and that he or she will reimburse the committee for any deficit
17 incurred in any such ~~six-month~~ twelve-month period. Such guarantee
18 shall be secured by a corporate surety bond, to be approved by the
19 Secretary of State, in a penal sum to be established by the
20 Nebraska Brand Committee.

21 Sec. 9. Section 54-2014, Revised Statutes Supplement,

22 1999, is amended to read:
 23 54-2014. Inspection provided for in this section and
 24 sections 54-2012 and 54-2013 shall be conducted in the manner
 25 established by the Livestock Brand Act. The livestock market
 26 operator making such election ~~shall~~ may be required to guarantee to
 27 the Nebraska Brand Committee that inspection fees derived from such
 1 livestock market shall be sufficient, in each ~~six-month~~
 2 twelve-month period, to pay the per diem and mileage of the
 3 inspectors required and that he or she will reimburse the committee
 4 for any deficit incurred in any such ~~six-month~~ twelve-month period.
 5 Such guarantee shall be secured by a corporate surety bond, to be
 6 approved by the Secretary of State, in a penal sum to be
 7 established by the Nebraska Brand Committee.
 8 Sec. 10. Original sections 54-170, 54-198, 54-1,110,
 9 54-1,111, 54-1,121, 54-1185, and 54-2014, Revised Statutes
 10 Supplement, 1999, are repealed.
 11 Sec. 11. Since an emergency exists, this act takes
 12 effect when passed and approved according to law."

(Signed) Merton L. Dierks, Chairperson

Business and Labor

LEGISLATIVE BILL 915. Placed on General File.
LEGISLATIVE BILL 1310. Placed on General File.
LEGISLATIVE BILL 1424. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

GENERAL FILE

LEGISLATIVE BILL 900. Senator Beutler offered the following amendment:

AM2300

1 1. On page 4, line 28, strike "except to" and insert
 2 "subject to the approval of the Nebraska Natural Resources
 3 Commission as specifically provided by law.".
 4 2. On page 5, strike lines 1 through 3; in line 17
 5 strike "except as"; and in line 18 strike the new matter.
 6 3. On page 17, strike line 3, and insert "department
 7 shall adopt and promulgate rules and regulations subject to the
 8 approval of the commission for the"; in lines 5 and 23 strike
 9 "commission" and insert "department"; and in line 7 strike
 10 "commission", show as stricken, and insert "department".
 11 4. On page 18, line 8, strike "commission", show as
 12 stricken, and insert "department"; and strike beginning with
 13 "perform" in line 27 through line 28 and insert "approve the rules
 14 and regulations of the department as specifically required by law.
 15 The commission shall have no other powers and duties.".

- 16 5. On page 19, strike lines 1 and 2 and show the old
17 matter as stricken.
- 18 6. On page 23, line 14, strike "commission" and insert
19 "department"; and in line 16 after "Fund" insert "subject to the
20 approval of the commission".
- 21 7. On page 24, line 7, strike "commission", show as
22 stricken, and insert "department"; in line 13 strike ", with
23 commission approval," and show as stricken.
- 24 8. On page 25, line 3, strike "and the"; in line 4
1 strike "commission" and show as stricken; and in line 21 strike
2 "commission" and insert "department".
- 3 9. On page 27, line 19, strike "commission" and insert
4 "department".
- 5 10. On page 28, line 11, strike the new matter.
- 6 11. On page 29, lines 5, 7, 9, and 16, strike
7 "commission" and insert "department"; and in line 7 after "Fund"
8 insert "subject to the approval of the commission".
- 9 12. On page 30, line 1, strike the underscored comma;
10 and in line 2 strike the new matter.

Senator Beutler withdrew his amendment.

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

Senator Beutler offered the following amendment:

AM2299

- 1 1. On page 19, strike beginning with "members" in line
2 23 through the first comma in line 26, show as stricken, and insert
3 "additional members who are representative of water users, of
4 which".
- 5 2. On page 20, strike lines 1 through 19, show the old
6 matter as stricken, and insert the following new subsection:
7 "(3) The members of the commission shall be appointed by
8 the Governor, subject to the confirmation of the Legislature, and
9 shall serve for four-year terms. The members serving on the
10 operative date of this act shall continue in office for the
11 remainder of their terms. The members serving at the pleasure of
12 the Governor on the operative date of this act shall continue in
13 office until the third Thursday after the first Tuesday in January
14 2001. Any vacancy shall be filled by the Governor for the
15 remainder of the term. The terms of the members shall begin on the
16 third Thursday after the first Tuesday in odd-numbered years.".

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:

AM2289

- 1 1. Insert the following new sections:

2 "Sec. 246. Section 66-1345, Revised Statutes Supplement,
3 1999, is amended to read:
4 66-1345. (1) There is hereby created the Ethanol
5 Production Incentive Cash Fund which shall be used by the board to
6 pay the credits created in section 66-1344 to the extent provided
7 in this section. Any money in the fund available for investment
8 shall be invested by the state investment officer pursuant to the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act. The State Treasurer shall transfer to the Ethanol
11 Production Incentive Cash Fund such money as shall be (a)
12 appropriated to the Ethanol Production Incentive Cash Fund by the
13 Legislature, (b) given as gifts, bequests, grants, or other
14 contributions to the Ethanol Production Incentive Cash Fund from
15 public or private sources, (c) made available due to failure to
16 fulfill conditional requirements pursuant to investment agreements
17 entered into prior to April 30, 1992, (d) received as return on
18 investment of the Ethanol Authority and Development Cash Fund, (e)
19 credited to the Ethanol Production Incentive Cash Fund from the
20 fertilizer fee pursuant to section 77-4401, (~~f~~) credited to the
21 Ethanol Production Incentive Cash Fund from the excise taxes
22 imposed by section 66-1345.01, and (~~g~~) (~~f~~) credited to the Ethanol
23 Production Incentive Cash Fund pursuant to section 66-1345.04.
24 (2) The Department of Revenue shall, at the end of each
1 calendar month, notify the State Treasurer of the amount of motor
2 fuel tax that was not collected in the preceding calendar month due
3 to the credits provided in section 66-1344. The State Treasurer
4 shall transfer from the Ethanol Production Incentive Cash Fund to
5 the Highway Trust Fund an amount equal to such credits less the
6 following amounts:
7 (a) For 1993, 1994, and 1995, the amount generated during
8 the calendar quarter by a one-cent tax on motor fuel pursuant to
9 sections 66-489, 66-668, and 66-6,107;
10 (b) For 1996, the amount generated during the calendar
11 quarter by a three-quarters-cent tax on motor fuel pursuant to such
12 sections;
13 (c) For 1997, the amount generated during the calendar
14 quarter by a one-half-cent tax on motor fuel pursuant to such
15 sections; and
16 (d) For 1998 through 2004, no reduction.
17 The amounts shall be transferred through June 30, 2004.
18 For 1993 through 1997, if the amount generated pursuant to
19 subdivisions (a), (b), and (c) of this subsection and the amount
20 transferred pursuant to subsection (1) of this section are not
21 sufficient to fund the credits provided in section 66-1344, then
22 the credits shall be funded through the Ethanol Production
23 Incentive Cash Fund but shall not be funded through either the
24 Highway Cash Fund or the Highway Trust Fund. For 1998 through
25 2004, the credits provided in such section shall be funded through
26 the Ethanol Production Incentive Cash Fund but shall not be funded

27 through either the Highway Cash Fund or the Highway Trust Fund.

1 (3) The State Treasurer shall transfer from the Ethanol

2 Production Incentive Cash Fund to the Management Services Expense

3 Revolving Fund the amount reported under subsection (4) of section

4 66-1345.02 for each calendar month of the fiscal year as provided

5 in such subsection.

6 (4) The board shall monitor all receipts to and

7 reimbursements from the Ethanol Production Incentive Cash Fund and

8 notify the Department of Revenue prior to the beginning of the

9 fiscal year in which the board projects that there will be

10 insufficient funds available within the fund to satisfy all valid

11 ethanol production credit claims submitted pursuant to section

12 66-1344.

13 (5) On June 30, 2004, the State Treasurer shall transfer

14 one-half of the unexpended and unobligated funds from the Ethanol

15 Production Incentive Cash Fund to the Nebraska Corn Development,

16 Utilization, and Marketing Fund and Grain Sorghum Development,

17 Utilization, and Marketing Fund in the same proportion as funds

18 were collected pursuant to section 66-1345.01 from corn and grain

19 sorghum. The Department of Agriculture shall assist the State

20 Treasurer in determining the amounts to be transferred to the

21 funds. The remaining one-half of the unexpended and unobligated

22 funds shall be transferred to the General Fund.

23 Sec. 247. Section 77-4401, Reissue Revised Statutes of

24 Nebraska, is amended to read:

25 77-4401. (1) ~~Through December 31, 1996, there~~ There

26 shall be imposed a fee of ~~four dollars~~ one dollar per ton upon the

27 gross tonnage of all sales, use, or other consumption in this state

1 of commercial fertilizers, ; and ~~commencing January 1, 1997,~~

2 ~~through December 31, 2000, there shall be imposed a fee of one~~

3 ~~dollar per ton upon such gross tonnage.~~ The fee shall be paid by

4 the purchaser of the commercial fertilizer. Any commercial

5 fertilizer subject to the sales and use tax pursuant to the

6 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed

7 by this section. For purposes of this section, the definitions

8 found in section 81-2,162.02 shall apply.

9 (2) The fee imposed by this section shall be collected by

10 the seller and remitted to the Department of Revenue for credit to

11 ~~the Ethanol Production Incentive Cash Fund through December 31,~~

12 ~~1996, and to the Natural Resources Enhancement Fund on and after~~

13 ~~January 1, 1997,~~ based on the gross tonnage of commercial

14 fertilizers sold during the preceding period. Payment of the fee

15 shall be accompanied by a report setting forth the gross tonnage of

16 commercial fertilizers sold by the seller. The report shall be on

17 a form prescribed by the Department of Revenue and shall include

18 such other information as the Tax Commissioner deems necessary.

19 The provisions of the Nebraska Revenue Act of 1967 applicable to

20 sales and use taxes shall apply to imposition of the fee.

21 (3) For purposes of this section, gross tonnage shall not

22 include water and other carriers added by the retail seller of the
 23 fertilizer and shall not include sales of packages of fertilizers
 24 containing ten pounds or less.

25 (4) ~~Any person who purchased commercial fertilizer prior~~
 26 ~~to May 1, 1993, and paid a fee greater than three dollars per ton~~
 27 ~~shall be entitled to a refund of the amount paid in excess of three~~
 1 ~~dollars per ton.~~

2 (5) The Tax Commissioner shall adopt and promulgate rules
 3 and regulations to carry out this section."

4 2. On page 259, line 15, after "66-1105," insert

5 "77-4401,"; and in line 20 after the third comma insert "66-1345,".

6 3. Renumber the remaining sections accordingly.

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not
 voting, and 4 excused and not voting.

LEGISLATIVE BILL 900A. 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 1258. 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.

LEGISLATIVE BILL 659. Title read. Considered.

Senator Lynch renewed his pending amendment, AM0445, found on page
 996, First Session, 1999.

Senator Schimek asked unanimous consent to be excused until she returns.
 No objections. So ordered.

The Lynch amendment was adopted with 27 ayes, 4 nays, 16 present and not
 voting, and 2 excused and not voting.

Senator Lynch withdrew his amendment, AM1981, found on page 283.

Advanced to E & R for review with 25 ayes, 5 nays, 17 present and not
 voting, and 2 excused and not voting.

LEGISLATIVE BILL 659A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 22 present and not
 voting, and 1 excused and not voting.

MOTION - Suspend Rules

Senator Bromm moved to suspend the rules, Rule 3, Sec. 13, to permit cancellation of a public hearing for a gubernatorial appointment.

The Bromm motion to suspend the rules prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications**

Monday, February 14, 2000 (cancel)
Nebraska Transit and Rail Advisory Council
Greg Wright

1:00 p.m.

(Signed) Curt Bromm, Chairperson

MESSAGES FROM THE GOVERNOR

February 7, 2000

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Greg Wright's name from the confirmation for the Nebraska Rail & Transit Advisory Council on Monday, February 14, 2000, at the Transportation and Telecommunications Committee hearing due to his resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

February 7, 2000

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 a member of the Nebraska Transit and Rail Advisory Council:

APPOINTEE:

Roberto Munguia, R R 1 Box 132B, Raymond NE 68428

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointment:

Munguia, Roberto - Nebraska Transit and Rail Advisory Council --
Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 701. Placed on Select File as amended.
E & R amendment to LB 701:
AM7186

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 37-303, Revised Statutes Supplement,
4 1999, is amended to read:
5 37-303. (1) With the consent of the Governor, the
6 commission may by purchase, when funds on hand or appropriated
7 therefor are sufficient, or by gift, devise, or otherwise acquire
8 title in the name of the State of Nebraska to sites situated
9 outside organized municipalities, except as provided in section
10 90-404, for additional state parks, hatcheries, recreation grounds,
11 state recreational trails, wildlife management areas, captive
12 wildlife facilities, and public shooting grounds and may enter into
13 appropriate contracts with reference thereto, all within the limits
14 of amounts that may be appropriated, contributed, or available.
15 For these purposes, the commission may enter into appropriate
16 contracts, leases, or lease-purchase agreements.

17 (2) The commission, with the consent of the Governor, may
18 take, receive, and hold, either in the name of the state or in
19 trust for the state, exempt from taxation, any grant or devise of
20 lands and any gift or bequest of money or other personal property
21 made in furtherance of the purposes contemplated by this section
22 and shall have such funds or the proceeds of such property
23 invested. Such invested funds shall be deposited, used, and
24 expended under the direction of the commission.

1 (3) The commission may make a survey of all lands and
2 areas in the state which are suitable for state parks, game
3 refuges, or other similar purposes contemplated by this section and
4 may locate and designate any or all of such lands or areas or parts
5 thereof and take such action as may tend to preserve or conserve
6 them. The commission shall publish such informational material as
7 it deems necessary and may, at its discretion, charge appropriate
8 fees therefor.

9 Sec. 2. Section 37-1007, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 37-1007. Whenever abandoned railroad right-of-way trails
12 are developed pursuant to the Trail Development Assistance Act,
13 boundary fences shall be constructed and maintained as required ~~for~~
14 ~~railroads in sections 74-601 to 74-604~~ under section 37-1012 unless
15 such construction and maintenance is waived in writing by affected
16 adjoining property owners. Such fences shall be deemed to be
17 manifestly designed to exclude intruders for the purposes of
18 subdivision (1)(c) of section 28-521.

19 Sec. 3. Section 37-1011, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 37-1011. If any portions of the right-of-way accepted
22 under section 37-912 or 37-914 are not immediately developed as a
23 state recreational trail or for habitat, the Game and Parks
24 Commission shall use its best efforts to lease undeveloped portions
25 of the right-of-way, with first priority to adjacent landowners,
26 for the purposes stated in section 37-912 or 37-914 or for other
27 purposes which are not inconsistent with the purposes of section
1 37-912 or 37-914 until such time as a state recreational trail or
2 habitat may be developed. Any lease or use allowed shall be
3 subject to all prescriptions of the National Trails System Act.

4 Sec. 4. Section 37-1012, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 37-1012. (1) The Game and Parks Commission shall have
7 the same responsibility with regard to division fences as a private
8 landowner as provided in sections 34-101 to 34-117, except that in
9 those areas where a state recreational trail is developed, the
10 commission shall have the same responsibility as a railroad as
11 provided in sections 74-601 to 74-604 where a single landowner's
12 property is divided by a state recreational trail. In areas where
13 a state recreational trail does not divide a single landowner's
14 property, the commission shall be responsible for one hundred

15 percent of the construction or replacement cost and the landowner
 16 shall be responsible for all of the maintenance of the fence, but
 17 the type of fence required under section 74-601 shall not be
 18 required for those areas where a state recreational trail is
 19 developed. In such areas the type of fence may be (a) wire fence
 20 of at least four barbed wires, of a size not less than twelve and
 21 one-half gauge fencing wire, to be secured to posts, the posts to
 22 be at no greater distance than one rod from each other or (b) a
 23 fence of any type that is agreed to by the commission and adjoining
 24 landowner. Before the commission may construct any division fence
 25 described in this section, the landowner shall file a written
 26 request for the construction of such fence with the commission.

27 (2) The cost-share responsibility of the commission for
 1 division fences shall not exceed the amount appropriated to the
 2 commission by the Legislature for such purpose during any biennium,
 3 except that the commission may use any funds specifically gifted or
 4 obtained by grant application to the commission the sole purpose of
 5 which is to provide division fencing for a state recreational
 6 trail.

7 (3) The commission shall adopt and promulgate rules and
 8 regulations to carry out this section.

9 Sec. 5. Section 37-1013, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 37-1013. If the right-of-way or any portion thereof is
 12 used as a state recreational trail pursuant to sections 37-912 and
 13 37-1011, appropriate sanitary facilities shall be provided along
 14 the trail for the use of persons using the trail. Camping or open
 15 fires shall be prohibited on such right-of-way or portion thereof.

16 Sec. 6. Section 37-1014, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 37-1014. If the right-of-way or portion thereof is used
 19 as a state recreational trail or for other purposes as provided in
 20 sections 37-912 and 37-1011, the Game and Parks Commission shall
 21 adopt and promulgate rules and regulations to carry out the
 22 purposes of sections 37-912 and 37-1010 to 37-1013.

23 Sec. 7. Original sections 37-1007 and 37-1011 to
 24 37-1014, Reissue Revised Statutes of Nebraska, and section 37-303,
 25 Revised Statutes Supplement, 1999, are repealed."

26 2. On page 1, strike beginning with line 2 through the
 27 semicolon in line 3 and insert "37-1007 and 37-1011 to 37-1014,
 1 Reissue Revised Statutes of Nebraska, and section 37-303, Revised
 2 Statutes Supplement, 1999"; and in line 5 after "responsibilities"
 3 insert "and construction".

LEGISLATIVE BILL 204. Placed on Select File as amended.

E & R amendment to LB 204:

AM7187

- 1 1. Strike original section 1 and all amendments thereto
- 2 and insert the following new section:

3 "Section 1. A state agency or political subdivision
 4 shall not directly require a law enforcement officer employed by
 5 the state agency or political subdivision to issue a certain number
 6 or percentage of traffic citations, police citations, memoranda of
 7 traffic violations, memoranda of faulty equipment, or any other
 8 type of citation on any periodic basis. The purpose of this
 9 section is to prohibit all types of ticket quota requirements for
 10 law enforcement officers. For purposes of this section, law
 11 enforcement officer includes peace officers as defined in section
 12 49-801 and conservation officers of the Game and Parks
 13 Commission."

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

Wednesday, February 16, 2000
 Nebraska Environmental Trust Board
 William Grewcock

1:30 p.m.

(Signed) Edward J. Schrock, Chairperson

ANNOUNCEMENTS

The Business and Labor Committee designates LB 953 and LB 1221 as its priority bills.

Senator Raikes designates LB 715 as his priority bill.

AMENDMENT - Print in Journal

Senator Schmitt filed the following amendment to LB 901:
 AM2141

(Amendments to Standing Committee amendments, AM2083)

1 1. Insert the following new section:
 2 "Sec. 3. Section 46-538, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 46-538. ~~Each member of the board shall receive as~~
 5 ~~compensation for his or her service such sum as shall be ordered by~~
 6 ~~the department not in excess of the sum of five hundred dollars per~~
 7 ~~annum, payable monthly, and Each director shall receive from the~~
 8 ~~board a per diem of not to exceed seventy dollars per day for each~~
 9 ~~day that such director attends a board meeting or is engaged in~~
 10 ~~matters concerning the district, but no director shall receive more~~
 11 ~~than two thousand eight hundred dollars in any one year. Each~~
 12 ~~director shall also be entitled to any necessary traveling expenses~~
 13 ~~actually expended while engaged in the performance of his or her~~
 14 ~~duties as provided in sections 81-1174 to 81-1177, for state~~

- 15 employees".
16 2. On page 6, line 5, after the first comma insert
17 "46-538".
18 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 1004. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1044. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 1026. No objections. So ordered.

Senator Dickey asked unanimous consent to have his name added as cointroducer to LB 1348. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Smith withdrew his name as cointroducer to LB 1234 and LB 1394.

VISITORS

Visitors to the Chamber were students from Creighton University School of Pharmacy and University of Nebraska Medical Center School of Pharmacy; Fred Mattix, Brian Phares, and John Gale from North Platte; 19 members of LEAD Class, Agricultural Leadership Program from across the state; Senator Robak's grandson, Duncan Robak, 51 fourth grade students, and teachers from Eagle Elementary School; 47 Family and Consumer Science teachers and students; and former Senator Owen Elmer from Indianola.

The Doctor of the Day was Dr. Tim Dalton from Lincoln.

ADJOURNMENT

At 11:49 a.m., on a motion by Senator Quandahl, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 2000

PRAYER

The prayer was offered by Pastor Fritz Hudson, Unitarian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Janssen who was excused; and Senators Brown, Byars, Dierks, Kiel, Kristensen, Landis, Matzke, Price, Robak, Schmitt, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 580, line 22, on LB 1142 insert "reschedule".
The Journal for the twenty-second day was approved as corrected.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1062. Indefinitely postponed.
LEGISLATIVE BILL 1248. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

ANNOUNCEMENT

Senator Connealy designates LB 1348 as his priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the

President signed the following: LR 295 and LR 296.

UNANIMOUS CONSENT - Members Excused

Senators Beutler and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Senator Hartnett moved the adoption of the report of the Urban Affairs Committee for the following appointments found on page 559: Volunteer Service Award Benefit Review Board - Charles Carson, Travis Mayer, Nicholas Ross, Clarence Schweitzer, James Templar, Robert Tichota, David Wees, Tim Wessling, and Keith Wood.

Voting in the affirmative, 28:

Aguilar	Bourne	Brashear	Bromm	Brown
Bruning	Connealy	Coorsden	Crosby	Dickey
Hartnett	Hilgert	Hudkins	Kremer	Kristensen
Lynch	Pedersen, Dw.	Preister	Quandahl	Raikes
Redfield	Schimek	Schmitt	Smith	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Baker	Bohlke	Cudaback	Jensen	Jones
Pederson, D.	Schrock	Stuhr	Suttle	

Excused and not voting, 11:

Beutler	Byars	Dierks	Engel	Janssen
Kiel	Landis	Matzke	Price	Robak
Wickersham				

The appointments were confirmed with 28 ayes, 1 nay, 9 present and not voting, and 11 excused and not voting.

MOTION - Introduce New Bills

Senator Vrtiska renewed his pending motion, found on page 581, to permit the introduction of new bills by the Business and Labor Committee (Req. 2098 and Req. 2099).

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9

excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1448. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; 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 1449. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

GENERAL FILE

LEGISLATIVE BILL 652. Considered.

Pending.

**NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications**

Tuesday, February 22, 2000 1:30 p.m.
Nebraska Transit and Rail Advisory Council
Roberto Munguia

(Signed) Curt Bromm, Chairperson

Health and Human Services

Thursday, February 17, 2000 (cancel) 1:30 p.m.
Wednesday, February 16, 2000 (reschedule) 1:30 p.m.
Health and Human Services, Policy Secretary
Chris Peterson

Wednesday, February 16, 2000 1:30 p.m.
Health and Human Services System Partnership Council
Ella Ochoa
Kathy Moore
State Board of Health

Linda Lazure

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Vrtiska filed the following amendment to LB 692:
AM2316

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 23-1608, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-1608. (1) Each county board shall cause an
- 5 examination and a complete and comprehensive annual audit to be
- 6 made of the books, accounts, records, and affairs of all county
- 7 officers in the county. The audits shall be conducted annually,
- 8 except that the Auditor of Public Accounts may determine an audit
- 9 of less frequency to be appropriate but not less than once in any
- 10 three-year period. Each county board may contract with the Auditor
- 11 of Public Accounts or select a licensed public accountant or
- 12 certified public accountant or firm of such accountants to conduct
- 13 the examination and audit and shall be responsible for the cost of
- 14 the audit pursuant to the contract. The An original copy of the
- 15 audit report shall be filed in the office of the county clerk and
- 16 in the office of the Auditor of Public Accounts within twelve
- 17 months after the end of each fiscal year.
- 18 (2) The county board shall cause to be published in the
- 19 same manner as the proceedings of the county board a brief
- 20 statement disclosing the conclusion of the examination and audit
- 21 and that such audit report is on file with the county clerk.
- 22 (3) At the same time a copy of the audit report is filed
- 23 in the office of the county clerk, the auditor conducting the
- 24 examination shall send written notice to the county board and the
- 1 county attorney of the county concerned, the Auditor of Public
- 2 Accounts, and to the Attorney General, of any irregularity or
- 3 violation of any law disclosed by the audit report. It shall be
- 4 the duty of the county attorney, within thirty days of the receipt
- 5 of such notice, to institute appropriate proceedings against the
- 6 offending officer or officers.
- 7 (4) If the county attorney fails to comply with the
- 8 provisions of this section, it shall be the duty of the Attorney
- 9 General to institute such proceedings against the offending officer
- 10 or officers, and he or she shall also institute proceedings for the
- 11 removal of the county attorney from office. When notice is
- 12 received of any irregularity or violation of any law in the office
- 13 of the county attorney, it shall be the duty of the Attorney
- 14 General to institute appropriate proceedings against the county
- 15 attorney within thirty days after the giving of such notice if the
- 16 county attorney has failed to institute such proceedings.
- 17 Sec. 7. Section 23-1609, Reissue Revised Statutes of

18 Nebraska, is amended to read:

19 23-1609. Such examination and audit shall be conducted
20 in conformity with generally accepted auditing standards applied on
21 a consistent basis and shall develop the county's financial
22 condition, the condition of each county fund and the disposition of
23 all money collected or received. Such ~~audits~~ examination and audit
24 shall be a full and complete audits audit of the cash receipts and
25 disbursements, ~~shall include a checking of claims paid as against~~
26 ~~the record of claims kept by the county clerk, and against the~~
27 ~~record of the county board with respect to such claims, shall~~
1 include a checking of claims paid as against the levy, and shall
2 reflect in supplementary schedules the state of the each county
3 fund from which the respective claims are payable. ~~The audit shall~~
4 ~~also include a report as to the regularity of each such claim~~
5 ~~examined but shall contain no conclusion or opinion as to its~~
6 ~~validity or legality.~~

7 Sec. 9. Section 49-617, Revised Statutes Supplement,
8 1999, is amended to read:

9 49-617. The Revisor of Statutes shall cause the statutes
10 to be printed. The printer shall deliver all completed copies to
11 the Supreme Court. These copies shall be held and disposed of by
12 the court as follows: Sixty copies to the State Library to exchange
13 for statutes of other states; five copies to the State Library to
14 keep for daily use; not to exceed twenty-five copies to the
15 Legislative Council for bill drafting and related services to the
16 Legislature and executive state officers; as many copies to the
17 Attorney General as he or she has attorneys on his or her staff; up
18 to sixteen copies to the State Court Administrator; twelve copies
19 to the Tax Commissioner; eight copies to the Nebraska Publications
20 Clearinghouse; six copies to the Public Service Commission; four
21 copies to the Secretary of State; four copies to the Clerk of the
22 Legislature for use in his or her office and three copies to be
23 maintained in the legislative chamber, one copy on each side of the
24 chamber and one copy at the desk of the Clerk of the Legislature,
25 under control of the sergeant at arms; three copies to the Auditor
26 of Public Accounts; two copies each to the Governor of the state,
27 the Chief Justice and each judge of the Supreme Court, each judge
1 of the Court of Appeals, the Clerk of the Supreme Court, the
2 Reporter of the Supreme Court and Court of Appeals, ~~the Auditor of~~
3 ~~Public Accounts~~, the Commissioner of Labor, and the Revisor of
4 Statutes; one copy each to the Secretary of State of the United
5 States, each Indian tribal court located in the State of Nebraska,
6 the library of the Supreme Court of the United States, the Adjutant
7 General, the Air National Guard, the Commissioner of Education, the
8 State Treasurer, the Board of Educational Lands and Funds, the
9 Director of Agriculture, the Director of Administrative Services,
10 the Director of Aeronautics, the Director of Economic Development,
11 the director of the Public Employees Retirement Board, the
12 Director-State Engineer, the Director of Banking and Finance, the

13 Director of Insurance, the Director of Motor Vehicles, the Property
14 Tax Administrator, the Director of Veterans' Affairs, the Director
15 of Water Resources, the Director of Correctional Services, the
16 Nebraska Emergency Operating Center, each judge of the Nebraska
17 Workers' Compensation Court, each judge of the Commission of
18 Industrial Relations, the Nebraska Liquor Control Commission, the
19 Nebraska Natural Resources Commission, the State Real Estate
20 Commission, the Tax Equalization and Review Commission, the
21 secretary of the Game and Parks Commission, the Board of Pardons,
22 the Department of Health and Human Services, the Department of
23 Health and Human Services Regulation and Licensure, the Department
24 of Health and Human Services Finance and Support, each state
25 institution under the Department of Health and Human Services, each
26 state institution under the State Department of Education, the
27 State Surveyor, the Nebraska State Patrol, the materiel division of
1 the Department of Administrative Services, the personnel division
2 of the Department of Administrative Services, the Nebraska Motor
3 Vehicle Industry Licensing Board, the Board of Trustees of the
4 Nebraska State Colleges, each of the Nebraska state colleges, each
5 district judge of the State of Nebraska, each judge of the county
6 court, each judge of a separate juvenile court, the Lieutenant
7 Governor, each United States Senator from Nebraska, each United
8 States Representative from Nebraska, each clerk of the district
9 court for the use of the district court, the clerk of the Nebraska
10 Workers' Compensation Court, each clerk of the county court, each
11 county attorney, each county public defender, each county law
12 library, and the inmate library at all state penal and correctional
13 institutions, and each member of the Legislature shall be entitled
14 to two complete sets, and two complete sets of such volumes as are
15 necessary to update previously issued volumes, but each member of
16 the Legislature and each judge of any court referred to in this
17 section shall be entitled, on request, to an additional complete
18 set. Copies of the statutes distributed without charge, as listed
19 in this section, shall be the property of the state or governmental
20 subdivision of the state and not the personal property of the
21 particular person receiving a copy. Distribution of statutes to
22 the library of the College of Law of the University of Nebraska
23 shall be as provided in sections 85-176 and 85-177.

24 Sec. 11. Section 84-304.03, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 84-304.03. The Auditor of Public Accounts shall
27 establish minimum standards for all persons identified as auditors
1 or who conduct audits of any agency of state government or of any
2 political subdivision, ~~except a village~~. Such standards shall
3 be established to achieve the goal of assuring a proper level of
4 competency in auditing and shall be distributed to all agencies of
5 state government and all political subdivisions, ~~except~~
6 ~~villages~~. No agency of state government or political subdivision,
7 ~~except a village~~, shall employ any person as an auditor who fails

8 to meet such minimum standards."

9 2. On page 7, strike line 6 and insert "14-2146, 23-905,
10 23-1608, 23-1609, 29-752, 72-417, and 84-304.03, Reissue Revised";
11 in line 7 after the comma insert "and section 49-617, Revised
12 Statutes Supplement, 1999,"; and in line 9 after the first comma
13 insert "23-1610," and strike "and", and after the last comma insert
14 "and 84-301,".

15 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 652. Senator Thompson withdrew her amendments, AM1263 and AM1690, found on pages 1441 and 1958, First Session, 1999.

Senator Wickersham withdrew his amendment, AM1265, found on page 1453, First Session, 1999.

The Standing Committee amendment, AM0717, printed separately and referred to on page 1045, First Session, 1999, and considered on pages 1425 and 1430, First Session, 1999, was renewed.

The Standing Committee amendment lost with 0 ayes, 20 nays, 23 present and not voting, and 6 excused and not voting.

Senator Thompson renewed her pending amendment, AM2267, printed separately and referred to on page 571.

Senators Wehrbein and Kristensen asked unanimous consent to be excused. No objections. So ordered.

SENATOR CROSBY PRESIDING

Pending.

ANNOUNCEMENTS

Senator Brashear designates LR 291CA as his priority resolution.

The Natural Resources Committee designates LB 901 as its priority bill.

The Education Committee designates LB 495 as its priority bill.

The Urban Affairs Committee designates LB 1370 as its priority bill.

Senator Wickersham designates LB 1107 as his priority bill.

AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 1018:

AM2348

- 1 1. On page 12, line 17, after the period insert "A
 2 franchise agreement with a Nebraska licensed dealer which conforms
 3 to and is subject to sections 60-1401.01 to 60-1440 and this
 4 section is not control for purposes of this section.".
 5 2. On page 15, line 23, strike "requires or allows" and
 6 insert "which does not take place in the State of Nebraska provides
 7 for".
 8 3. On page 17, line 5, strike "a" and insert "an
 9 existing".

Senator Coordsen filed the following amendment to LB 701:
 AM2342

(Amendments to E & R amendments, AM7186)

- 1 1. Strike sections 2 and 4 and insert the following new
 2 section:
 3 "Sec. 3. Section 37-1012, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 37-1012. (1) The Game and Parks Commission shall have
 6 the same responsibility with regard to division fences as a private
 7 landowner as provided in sections 34-101 to 34-117, except that in
 8 those areas where a state recreational trail is developed, the
 9 commission shall have the same responsibility as a railroad as
 10 provided in sections 74-601 to 74-604, but the type of fence
 11 required under section 74-601 shall not be required for those areas
 12 where a state recreational trail is developed. All fences shall be
 13 constructed and maintained as required under this subsection unless
 14 such construction and maintenance is waived in writing by affected
 15 adjoining landowners. The commission shall be responsible for the
 16 construction and replacement cost of any fence agreed to by the
 17 commission and adjoining landowner. The commission shall also be
 18 responsible for providing supplies for the maintenance of any fence
 19 along a state recreational trail or for the reimbursement to the
 20 adjoining landowner for the cost of supplies for the maintenance of
 21 any fence along a state recreational trail. The adjoining
 22 landowner shall be responsible for the maintenance of the fence.
 23 In such areas the type of fence may be (a) wire fence of at least
 1 four barbed wires, of a size not less than twelve and one-half
 2 gauge fencing wire, to be secured to posts, the posts to be at no
 3 greater distance than one rod from each other, or (b) a fence of
 4 any type that is agreed to by the commission and adjoining
 5 landowners. All fences constructed under either subdivision (a) or
 6 (b) of this subsection shall be deemed to be manifestly designed to
 7 exclude intruders for the purposes of subdivision (1)(c) of section
 8 28-521.
 9 (2) The responsibility of the commission for fences along
 10 a state recreational trail shall not exceed the amount appropriated
 11 to the commission by the Legislature for such purpose during any
 12 biennium, except that the commission may use any funds specifically

- 13 gifted or obtained by grant application to the commission the sole
 14 purpose of which is to provide fencing for a state recreational
 15 trail.
 16 (3) The commission shall adopt and promulgate rules and
 17 regulations to carry out this section."
 18 2. On page 4, lines 23 and 27, strike "37-1007 and".
 19 3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

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

LB/LR	Committee
LB 1448	Business and Labor
LB 1449	Business and Labor

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 1448	Thursday, February 17, 2000	12:00 p.m.
LB 1449	Thursday, February 17, 2000	12:00 p.m.

(Signed) Floyd P. Vrtiska, Chairperson

Judiciary

LB 1118	Wednesday, February 23, 2000	1:30 p.m.
LB 1291	Wednesday, February 23, 2000	1:30 p.m.
LB 1405	Wednesday, February 23, 2000	1:30 p.m.
LB 1275	Thursday, February 24, 2000	1:30 p.m.
LB 1277	Thursday, February 24, 2000	1:30 p.m.
LB 1282	Thursday, February 24, 2000	1:30 p.m.
LB 1383	Thursday, February 24, 2000	1:30 p.m.
LB 1413	Thursday, February 24, 2000	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 953. Placed on General File as amended.
 Standing Committee amendment to LB 953:
 AM2319

- 1 1. Insert the following new section:
- 2 "Sec. 13. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

LEGISLATIVE BILL 1221. Placed on General File as amended.

Standing Committee amendment to LB 1221:

AM2172

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 48-120.02, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 48-120.02. (1) Any person or entity may make written
- 5 application to the Nebraska Workers' Compensation Court to have a
- 6 plan certified that provides management of quality treatment to
- 7 injured employees for injuries and diseases compensable under the
- 8 Nebraska Workers' Compensation Act. Any such person or entity
- 9 having a relationship with a workers' compensation insurer or any
- 10 such person or entity having a relationship with an employer for
- 11 which a plan is being proposed for its own employees shall make
- 12 full disclosure of such relationship to the compensation court
- 13 under rules and regulations to be adopted and promulgated by the
- 14 compensation court. Each application for certification shall be
- 15 accompanied by a reasonable fee prescribed by the compensation
- 16 court. A plan may be certified to provide services in a limited
- 17 geographic area. A certificate is valid for the period the
- 18 compensation court prescribes unless revoked or suspended.
- 19 Application for certification shall be made in the form and manner
- 20 and shall set forth information regarding the proposed plan for
- 21 providing services as the compensation court may prescribe. The
- 22 information shall include, but not be limited to:
- 23 (a) A list of the names of all providers of medical,
- 24 surgical, and hospital services under the managed care plan,
- 1 together with a statement that all licensing, certification, or
- 2 registration requirements for the providers are current and in good
- 3 standing in this state or the state in which the provider is
- 4 practicing; and
- 5 (b) A description of the places and manner of providing
- 6 services under the plan.
- 7 (2) The compensation court shall certify a managed care
- 8 plan if the compensation court finds that the plan:
- 9 (a) Proposes to provide quality services that meet
- 10 uniform treatment standards which may be prescribed by the
- 11 compensation court and all medical, surgical, and hospital services
- 12 that may be required by the Nebraska Workers' Compensation Act in a
- 13 manner that is timely, effective, and convenient for the employee;
- 14 (b) Is reasonably geographically convenient to employees
- 15 it serves;
- 16 (c) Provides appropriate financial incentives to reduce
- 17 service costs and utilization without sacrificing the quality of
- 18 service;

- 19 (d) Provides adequate methods of peer review, utilization
20 review, and dispute resolution to prevent inappropriate, excessive,
21 or not medically necessary treatment and excludes participation in
22 the plan by those individuals who violate treatment standards;
- 23 (e) Provides a procedure for the resolution of medical
24 disputes;
- 25 (f) Provides aggressive case management for injured
26 employees and provides a program for early return to work and
27 cooperative efforts by the employees, the employer, and the managed
1 care plan to promote workplace health and safety consultative and
2 other services;
- 3 (g) Provides a timely and accurate method of reporting to
4 the compensation court necessary information regarding medical,
5 surgical, and hospital service cost and utilization to enable the
6 compensation court to determine the effectiveness of the plan;
- 7 (h) Authorizes employees to receive medical, surgical,
8 and hospital services from a physician who is not a member of the
9 managed care plan if such physician has been selected by the
10 employee pursuant to subsection (2) of section 48-120 and if such
11 physician agrees to refer the employee to the managed care plan for
12 any other treatment that the employee may require and agrees to
13 comply with all the rules, terms, and conditions of the managed
14 care plan;
- 15 (i) Authorizes necessary emergency medical treatment for
16 an injury which is provided by a provider of medical, surgical, and
17 hospital services who is not a part of the managed care plan;
- 18 (j) Does not discriminate against or exclude from
19 participation in the plan any category of providers of medical,
20 surgical, or hospital services and includes an adequate number of
21 each category of providers of medical, surgical, and hospital
22 services to give employees convenient geographic accessibility to
23 all categories of providers and adequate flexibility to choose a
24 physician to provide providers of medical, surgical, and hospital
25 services from among those who provide services under the plan;
- 26 (k) Provides an employee the right to change medical,
27 surgical, or hospital service providers the physician initially
1 selected to provide medical, surgical, and hospital services under
2 the plan at least once; and
- 3 (l) Complies with any other requirement the compensation
4 court determines is necessary to provide quality medical, surgical,
5 and hospital services to injured employees.
6 The compensation court may accept findings, licenses,
7 certifications, or registrations of other state agencies as
8 satisfactory evidence of compliance with a particular requirement
9 of this subsection.
- 10 (3) An employee shall exhaust the dispute resolution
11 procedure of the certified managed care plan prior to filing a
12 petition or otherwise seeking relief from the compensation court on
13 an issue related to managed care. If an employee has exhausted the

14 dispute resolution procedure of the managed care plan, the employee
15 may seek a medical finding by an independent medical examiner
16 pursuant to section 48-134.01. No petition may be filed with the
17 compensation court pursuant to section 48-173 solely on the issue
18 of the reasonableness and necessity of medical treatment unless a
19 medical finding on such issue has been rendered by an independent
20 medical examiner pursuant to section 48-134.01. If the
21 compensation court subsequently orders reasonable medical services
22 previously refused to be furnished to the employee by a physician
23 who is a member of the managed care plan, the compensation court
24 shall allow the employee to select another physician to furnish
25 further medical services if the physician so selected complies with
26 all rules, terms, and conditions of the managed care plan and
27 refers the employee to the managed care plan for any other
1 treatment that the employee may require.

2 (4) The compensation court may refuse to certify or may
3 revoke or suspend the certification of a managed care plan that
4 unfairly restricts direct access within the managed care plan to
5 any category of provider of medical, surgical, or hospital
6 services. Direct access within the managed care plan is unfairly
7 restricted if direct access is denied and the treatment or service
8 sought is within the scope of practice of the profession to which
9 direct access is sought and is appropriate under the standards of
10 treatment adopted by the managed care plan or, in instances where
11 the compensation court has adopted standards of treatment, the
12 standards adopted by the compensation court.

13 (5) The compensation court may refuse to certify or may
14 revoke or suspend the certification of a managed care plan if the
15 compensation court finds that the plan for providing medical,
16 surgical, and hospital services fails to meet the requirements of
17 this section or service under the plan is not being provided in
18 accordance with the terms of a certified plan.

19 (6) The compensation court may adopt and promulgate rules
20 and regulations necessary to implement this section.

21 Sec. 8. Section 48-145, Revised Statutes Supplement,
22 1999, is amended to read:

23 48-145. To secure the payment of compensation under the
24 Nebraska Workers' Compensation Act:

25 (1) Every employer in the occupations described in
26 section 48-106, except the State of Nebraska and any governmental
27 agency created by the state, shall either (a) insure and keep
1 insured his or her its liability under such act in some
2 corporation, association, or organization authorized and licensed
3 to transact the business of workers' compensation insurance in this
4 state, (b) ~~or~~, in the case of an employer who is a lessor of one or
5 more commercial vehicles leased to a self-insured motor carrier, be
6 a party to an effective agreement with the self-insured motor
7 carrier under section 48-115.02, (c) be a member of a risk
8 management pool authorized and providing group self-insurance of

9 workers' compensation liability pursuant to the Intergovernmental
10 Risk Management Act, or (d) with approval of the Nebraska Workers'
11 Compensation Court, self-insure its workers' compensation
12 liability.

13 An employer seeking approval to self-insure shall make
14 application to the compensation court in the form and manner as the
15 compensation court may prescribe, meet such minimum standards as
16 the compensation court shall adopt and promulgate by rule and
17 regulation, and or (b) as a self-insurer furnish to the State

18 Treasurer an annual amount equal to two and one-half percent of the
19 prospective loss costs for like employment but in no event less
20 than twenty-five dollars. Prospective loss costs is defined in
21 section 48-151. The compensation court is the sole judge as to the
22 prospective loss costs that shall be used. He or she shall also
23 furnish to the Nebraska Workers' Compensation Court compensation
24 court satisfactory proof of his or her financial ability to pay
25 direct the compensation in the amount and manner when due as
26 provided for in the Nebraska Workers' Compensation Act. In the
27 latter case the The compensation court may in its discretion by

1 rule and regulation require the deposit of an acceptable security,
2 indemnity, trust, or bond to secure the payment of compensation
3 liabilities as they are incurred. The agreement or document
4 creating a trust for use under this section shall contain a
5 provision that the trust may only be terminated upon the consent
6 and approval of the compensation court. Any beneficial interest in
7 the trust principal shall be only for the benefit of the past or
8 present employees of the self-insurer and any persons to whom the
9 self-insurer has agreed to pay benefits under the Nebraska Workers'
10 Compensation Act under subdivision (11) of section 48-115 and
11 section 48-115.02. Any limitation on the termination of a trust
12 and all other restrictions on the ownership or transfer of
13 beneficial interest in the trust assets contained in such agreement
14 or document creating the trust shall be enforceable, except that
15 any limitation or restriction shall be enforceable only if
16 authorized and approved by the compensation court and specifically
17 delineated in the agreement or document. The compensation court
18 may in its discretion withdraw such approval as a self-insurer at
19 any time;

20 (2) Notwithstanding any other provision of the Nebraska
21 Workers' Compensation Act, a three judge panel of the compensation
22 court may, after notice and hearing, suspend or revoke approval as
23 a self-insurer if it finds that the financial condition of the
24 self-insurer or the failure of the self-insurer to comply with an
25 obligation under the act poses a serious threat to the public
26 health, safety, or welfare. Appeal from such suspension or
27 revocation shall be in accordance with section 48-185. No such

1 appeal shall operate as a supersedeas unless the self-insurer
2 executes to the compensation court a bond with one or more sureties
3 authorized to do business within the State of Nebraska in an amount

4 determined by the three judge panel to be sufficient to satisfy the
 5 obligations of the self-insurer under the act;
 6 (2) An approved self-insurer shall furnish to the State
 7 Treasurer an annual amount equal to two and one-half percent of the
 8 prospective-loss costs for like employment but in no event less
 9 than twenty-five dollars. Prospective-loss costs is defined in
 10 section 48-151. The compensation court is the sole judge as to the
 11 prospective-loss costs that shall be used. All money which a
 12 self-insurer is required to pay to the State Treasurer, under
 13 subdivision (1) of this section this subdivision, shall be computed
 14 and tabulated under oath as of January 1 and paid to the State
 15 Treasurer immediately thereafter. The Nebraska Workers'
 16 Compensation Court, any judge thereof, or any representative of the
 17 compensation court is empowered to audit any such payroll at its
 18 discretion. All money paid by a self-insurer under this
 19 subdivision shall be credited to the General Fund; and
 20 (3) Every employer who fails, neglects, or refuses to
 21 comply with the conditions set forth in subdivision (1) or (2) of
 22 this section shall be required to respond in damages to an employee
 23 for personal injuries, or when personal injuries result in the
 24 death of an employee, then to his or her dependents. All money
 25 paid by an employer to the State Treasurer, under subdivisions (1)
 26 and (2) of this section, shall be credited to the General Fund of
 27 the State of Nebraska, except that subdivisions (1) and (2) of this
 section shall not apply to the State of Nebraska.

2 Sec. 9. Section 48-145.04, Revised Statutes Supplement,
 3 1999, is amended to read:

4 48-145.04. (1) The Nebraska Workers' Compensation Court
 5 shall, prior to January 1 of each year, estimate as closely as
 6 possible the actual cost to the court of evaluating an application
 7 for self-insurance and supervising and administering the
 8 self-insurance program for the ensuing year and assess the amount
 9 thereof, but not to exceed two thousand dollars, against each
 10 applicant for self-insurance in this state. Such assessment shall
 11 be in addition to the payments required by subdivision ~~(1)(b)~~ (2)
 12 of section 48-145 and section 48-1,114. The court shall notify
 13 each applicant of the amount of the individual assessment. Such
 14 assessment shall be due and payable with the application for
 15 self-insurance. If any assessment is not paid, the application
 16 shall not be considered.

17 (2) All payments received under subsection (1) of this
 18 section shall be remitted to the State Treasurer for credit to the
 19 Compensation Court Cash Fund. Such payments shall be expended
 20 solely for evaluating applications for self-insurance and to aid in
 21 supervising and administering the self-insurance program. After
 22 the first year, the balance remaining of such payments at the time
 23 each annual assessment is made shall be taken into account when the
 24 total assessment for the ensuing year is made."

25 2. On page 29, line 18, strike "section" and insert

26 "sections 48-120.02, 48-145, 48-145.04, and".
27 3. Renumber the remaining sections accordingly.

(Signed) Floyd P. Vrtiska, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendment to LB 74:
AM7188

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 60-672, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 60-672. Traffic infraction shall mean the violation of
6 any provision of the Nebraska Rules of the Road or of any law,
7 ordinance, order, rule, or regulation regulating traffic which is
8 not otherwise declared to be a misdemeanor or a felony, ~~and which~~
9 ~~shall be a civil offense.~~
10 Sec. 2. Section 60-688, Reissue Revised Statutes of
11 Nebraska, is amended to read:
12 60-688. Prosecutions for violations declared by the
13 Nebraska Rules of the Road to be misdemeanors or felonies shall be
14 conducted and disposed of in the same manner as provided for such
15 prosecutions under the laws of this state, and traffic infractions
16 shall be treated in the same manner as misdemeanors, except as
17 otherwise provided by law.
18 Sec. 3. Original sections 60-672 and 60-688, Reissue
19 Revised Statutes of Nebraska, are repealed."
20 2. On page 1, strike lines 2 through 4 and insert
21 "sections 60-672 and 60-688, Reissue Revised Statutes of Nebraska;
22 to change provisions relating to traffic infractions; to redefine a
23 term; and to repeal the original sections."

LEGISLATIVE RESOLUTION 20CA. Placed on Select File as amended.
E & R amendment to LR 20CA:
AM7189

1 1. On page 1, line 2, strike "FIRST" and insert
2 "SECOND"; and in line 17 strike "a reference to" and insert "an
3 English language requirement for".

(Signed) Adrian M. Smith, Chairperson

VISITORS

Visitors to the Chamber were Gary Tuttle from Waterloo; Esther Price from Bassett and Neva and Amy Jacox from Ainsworth; Joni Bosshamer from

Amherst; 8 kindergarten students, sponsors, and teacher from Prairie View 7DA, Chadron; members of The Council of State Governments, Intergovernmental Affairs Committee from across the United States; and Scott and Die Wolvin from Aurora, Colorado.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:03 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 10, 2000

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Bohlke, Bromm, Chambers, Coordsen, Engel, Kiel, Kristensen, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

ANNOUNCEMENTS

Senator Bromm designates LB 515 as his priority bill.

Senator Chambers designates LB 1021 as his priority bill.

Senator Robak designates LB 1092 as her priority bill.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1341. Placed on General File as amended.
Standing Committee amendment to LB 1341:
AM2324

- 1 1. On page 2, line 5, after the first comma insert "or"
2 and strike ", or credit union".

LEGISLATIVE BILL 1181. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 1007. Placed on General File as amended.
Standing Committee amendment to LB 1007:
AM2099

- 1 1. On page 4, strike beginning with "A" in line 2
- 2 through the period in line 5.

LEGISLATIVE BILL 1311. Placed on General File as amended.
Standing Committee amendment to LB 1311:
AM2320

- 1 1. Insert the following new section:
- 2 "Sec. 3. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

(Signed) Floyd P. Vrtiska, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Thursday, February 24, 2000
State Emergency Response Commission
Rick Kuckkahn

12:00 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MOTION - Approve Appointments

Senator Vrtiska moved the adoption of the report of the Business and Labor Committee for the following appointments found on page 580: Commission of Industrial Relations - William Blake and G. Pete Burger.

Voting in the affirmative, 31:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Connealy	Crosby	Cudaback	Dickey
Dierks	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Landis	Pedersen, Dw.	Price
Quandahl	Redfield	Robak	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Byars	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Raikes	Schimek	Wickersham

Excused and not voting, 8:

Bohlke	Bromm	Chambers	Coordsen	Engel
Kiel	Kristensen	Tyson		

The appointments were confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 55.

A BILL FOR AN ACT relating to civil procedure; to authorize commencement of a new action after the failure of an action and expiration of the applicable statute of limitations 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, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
Brown	Bruning	Byars	Connealy	Crosby
Cudaback	Dickey	Dierks	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Bromm	Chambers	Coordsen	Engel
Kiel				

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

LEGISLATIVE BILL 151. With Emergency.

A BILL FOR AN ACT relating to the DNA Detection 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.

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:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

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

LEGISLATIVE BILL 288.

A BILL FOR AN ACT relating to incarceration work camps; to amend section 83-4,143, Reissue Revised Statutes of Nebraska; to change provisions relating to placement of offenders; 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:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke Chambers Coordsen Engel Kiel

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

LEGISLATIVE BILL 410.

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, and section 71-1907, Revised Statutes Supplement, 1998; to change provisions relating to child passenger restraint and occupant protection systems; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Bohlke Chambers Coordsen Engel

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

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to wine; to create the Nebraska Grape and Winery Board; to provide powers and duties; and to establish and provide for distribution of fees.

Whereupon the 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:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Redfield Suttle

Excused and not voting, 4:

Bohlke Chambers Coordsen Engel

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 523 with 42 ayes, 0 nay, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 523.

A BILL FOR AN ACT relating to nursing; to amend sections 71-1,132.01, 71-1,132.05, 71-1,132.17, and 71-1,132.31, Reissue Revised Statutes of Nebraska, and section 71-1,132.11, Revised Statutes Supplement, 1999; to adopt the Nurse Licensure Compact; to define a term; to change powers and duties of the Board of Nursing; to change provisions relating to the use of certain titles; to provide for a compact administrator; 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:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks

Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 534. With Emergency.

A BILL FOR AN ACT relating to state publications; to amend sections 49-501.01, 49-503, 49-507, 49-509, 49-509.01, 84-1205.02, and 85-177, Reissue Revised Statutes of Nebraska, and section 49-506, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to publication and distribution of session laws and the journal of the Legislature; to harmonize provisions; to repeal the original sections; to outright repeal section 49-508.01, 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, 45:

Águilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 3:

Bohlke Chambers Engel

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 582.

A BILL FOR AN ACT relating to municipal government; to amend section 18-2528, Reissue Revised Statutes of Nebraska; to exclude certain zoning measures and personnel issues from being subject to referendum powers; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 4:

Dierks Kristensen Redfield Tyson

Present and not voting, 2:

Dickey Schmitt

Excused and not voting, 2:

Chambers Engel

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

LEGISLATIVE BILL 658.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to

amend sections 9-312, 9-315, 9-338, 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.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Crosby	Cudaback	Hartnett	Hilgert
Janssen	Kiel	Kristensen	Lynch	Matzke
Pedersen, Dw.	Preister	Robak	Schmitt	Schrock
Smith	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 17:

Coordsen	Dickey	Dierks	Hudkins	Jensen
Jones	Kremer	Landis	Pederson, D.	Price
Quandahl	Raikes	Redfield	Schimek	Stuhr
Suttle	Vrtiska			

Excused and not voting, 2:

Chambers Engel

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

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to initiative and referendum measures; to amend sections 32-1405 and 32-1412, Reissue Revised Statutes of Nebraska; to provide powers and duties for the Secretary of State and to authorize certain actions regarding petition filings; 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, 30:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bromm	Brown	Byars	Connealy	Crosby
Cudaback	Engel	Hudkins	Janssen	Kiel
Kristensen	Landis	Matzke	Pederson, D.	Preister
Price	Raikes	Robak	Schimek	Schmitt
Schrock	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 18:

Baker	Bruning	Coordsen	Dickey	Dierks
Hartnett	Hilgert	Jensen	Jones	Kremer
Lynch	Pedersen, Dw.	Quandahl	Redfield	Smith
Stuhr	Suttle	Tyson		

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 788.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Supplement, 1999; to create the Game Law Investigation Cash Fund; to provide duties; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 1:

Chambers

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: LBs 55, 151, 288, 410, 477, 523, 534, 582, 658, 729, and 788.

SELECT FILE

LEGISLATIVE BILL 482A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 419. E & R amendment, AM7163, found on page 329, was adopted.

Senator Kristensen requested to pass over LB 419.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 626. E & R amendment, AM7173, found on page 399, was adopted.

Senator Beutler withdrew his amendment, AM2108, found on page 408.

Senator Beutler renewed his pending amendment, AM2129, found on page 428.

The Beutler amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Brashear renewed his pending amendment, AM2273, found on page 564.

The Brashear amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 504. Advanced to E & R for engrossment.

Senators Hudkins, Raikes, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 510. Considered.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bruning moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Bruning requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Beutler	Bohlke	Bourne	Brashear	Bromm
Brown	Chambers	Connealy	Coordsen	Cudaback
Dickey	Dierks	Engel	Hilgert	Janssen
Kiel	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Robak	Schmitt
Schrock	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 13:

Aguilar	Baker	Bruning	Crosby	Jensen
Jones	Kremer	Quandahl	Redfield	Schimek
Smith	Stuhr	Tyson		

Excused and not voting, 5:

Byars	Hartnett	Hudkins	Price	Raikes
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Advanced to E & R for engrossment with 31 ayes, 13 nays, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 438. E & R amendment, AM7183, found on page 568, was adopted.

Senator Beutler offered the following amendment:
AM2334

(Amendments to E & R amendments, AM7183)

- 1 1. Strike sections 1, 4, and 5 and insert the following
- 2 new sections:
- 3 "Section 1. Section 49-1401, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 49-1401. Sections 49-1401 to 49-14,141 and sections 3,
- 6 6, and 9 of this act shall be known and may be cited as the
- 7 Nebraska Political Accountability and Disclosure Act. Any
- 8 reference to sections 49-1401 to 49-14,138 shall be construed to
- 9 include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07.
- 10 After August 25, 1989, any reference to sections 49-1401 to
- 11 49-14,138 shall be construed to include sections 49-14,123.01 and
- 12 49-14,140.
- 13 Sec. 2. Section 49-1447, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 49-1447. (1) The committee treasurer shall keep detailed
- 16 accounts, records, bills, and receipts necessary to substantiate

17 the information contained in a statement or report filed pursuant
18 to sections 49-1445 to 49-1479 or rules and regulations adopted and
19 promulgated under sections 49-1401 to 49-14138 the Nebraska
20 Political Accountability and Disclosure Act. The treasurer shall
21 be responsible for filing all statements and reports of the
22 committee required to be filed under the act or the Campaign
23 Finance Limitation Act and shall be personally liable subject to
1 section 3 of this act for any late filing fees, civil penalties,
2 and interest that may be due under either act as a result of a
3 failure to make such filings.

4 (2) The treasurer shall record the name and address of
5 each person from whom a contribution is received except for
6 contributions of fifty dollars or less received pursuant to
7 subsection (2) of section 49-1472.

8 (3) The records of a committee shall be preserved for
9 five years and shall be made available for inspection as authorized
10 by the commission.

11 (4) Any person violating the provisions of this section
12 shall be guilty of a Class III misdemeanor.

13 Sec. 3. A ballot question committee shall file with the
14 commission a surety bond running in favor of the State of Nebraska
15 with surety by a corporate bonding company authorized to do
16 business in this state and conditioned upon the payment of all
17 fees, penalties, and interest which may be imposed under the
18 Nebraska Political Accountability and Disclosure Act. A bond in
19 the amount of five thousand dollars shall be filed with the
20 commission within thirty days after the committee receives
21 contributions or makes expenditures in excess of one hundred
22 thousand dollars in a calendar year, and the amount of the bond
23 shall be increased by five thousand dollars for each additional
24 five hundred thousand dollars received or expended in a calendar
25 year. Proof of any required increase in the amount of the bond
26 shall be filed with the commission within thirty days after each
27 additional five hundred thousand dollars is received or expended.

1 Any failure to pay late filing fees, civil penalties, or interest
2 due under the act shall be recovered from the proceeds of the bond
3 prior to recovery from the treasurer of the committee.

4 Any person violating the provisions of this section shall
5 be guilty of a Class III misdemeanor.

6 Sec. 4. Section 49-1453, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 49-1453. A committee may be dissolved by the filing of a
9 statement of dissolution with the commission, the payment of all
10 fees, penalties, and interest which may be owed, and complying with
11 the rules and regulations of the commission for dissolution of
12 committees. No committee shall be dissolved until such statement
13 is filed and such payments are made. Upon the dissolution of a
14 committee, a statement indicating dissolution shall be filed with
15 the filing officials with whom the committee's statement of

16 organization was filed. Dissolution of a committee shall be
17 accomplished in accordance with rules promulgated by the
18 commission.

19 Sec. 7. Section 49-1463.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-1463.01. (1) A person required to pay a late filing
22 fee imposed under section 32-1604.01, 49-1446.05, 49-1449, 49-1458,
23 49-1463, 49-1467, 49-1469, or 49-1479.01 or section 6 of this act
24 may apply to the commission for relief. The commission by order
25 may reduce the amount of a late filing fee imposed and waive any or

26 all of the interest due on the fee upon a showing by such person
27 that ~~(+)~~ (a) the circumstances indicate no intent to file late, ~~(2)~~

1 (b) the person has not been required to pay late filing fees for
2 two years prior to the time the filing was due, ~~(3)~~ (c) the late
3 filing shows that less than five thousand dollars was raised,
4 received, or expended during the reporting period, and ~~(4)~~ (d) a
5 reduction of the late fees and waiver of interest would not
6 frustrate the purposes of the Nebraska Political Accountability and
7 Disclosure Act.

8 (2) A person required to pay a late filing fee imposed
9 for failure to file a statement of exemption under subsection (2)
10 of section 49-1459 may apply to the commission for relief. The
11 commission by order may reduce or waive the late filing fee and
12 wave any or all of the interest due on the fee, and the person
13 shall not be required to make a showing as provided by subsection
14 (1) of this section.

15 Sec. 8. Section 49-1466, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 49-1466. Any person, who after being a candidate for
18 office ~~terminates~~ dissolves the candidate committee as provided in
19 section 49-1453, may transfer any unexpended funds from such
20 ~~terminated~~ committee to another candidate committee, a political
21 party committee, or a tax-exempt charitable institution; or may
22 return such unexpended funds to the contributors of the funds upon
23 ~~termination~~ dissolution of the ~~campaign~~ candidate committee.

24 Sec. 9. Interest shall accrue on all late filing fees
25 and civil penalties imposed under the Nebraska Political
26 Accountability and Disclosure Act at the rate specified in section
27 45-104.02, as such rate may from time to time be adjusted. The
1 interest shall begin to accrue thirty days after the commission
2 sends notice to the person of the assessment of the late filing fee
3 or civil penalty. A written request filed with the commission for
4 relief from late filing fees shall stay the accrual of interest on
5 a late filing fee until such time as the commission grants or
6 denies the request.

7 Sec. 10. Section 49-14,123, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-14,123. In addition to any other duties prescribed by
10 law, the commission shall:

- 11 (1) Prescribe and publish, after notice and opportunity
12 for public comment, rules and regulations to carry out the Campaign
13 Finance Limitation Act and the Nebraska Political Accountability
14 and Disclosure Act pursuant to the Administrative Procedure Act;
15 (2) Prescribe forms for statements and reports required
16 to be filed pursuant to the Campaign Finance Limitation Act and the
17 Nebraska Political Accountability and Disclosure Act and furnish
18 such forms to persons required to file such statements and reports;
19 (3) Prepare and publish one or more manuals explaining
20 the duties of all persons and other entities required to file
21 statements and reports by the acts and setting forth recommended
22 uniform methods of accounting and reporting for such filings;
23 (4) Accept and file any reasonable amount of information
24 voluntarily supplied that exceeds the requirements of the acts;
25 (5) Make statements and reports filed with the commission
26 available for public inspection and copying during regular office
27 hours and make copying facilities available at a cost of not more
1 than fifty cents per page;
2 (6) Compile and maintain an index of all reports and
3 statements filed with the commission to facilitate public access to
4 such reports and statements;
5 (7) Prepare and publish summaries of statements and
6 reports filed with the commission and special reports and technical
7 studies to further the purposes of the acts;
8 (8) Review all statements and reports filed with the
9 commission in order to ascertain whether any person has failed to
10 file a required statement or has filed a deficient statement;
11 (9) Preserve statements and reports filed with the
12 commission for a period of not less than five years from the date
13 of receipt;
14 (10) Issue and publish advisory opinions on the
15 requirements of the acts upon the request of a person or
16 governmental body directly covered or affected by the acts. Any
17 such opinion rendered by the commission, until amended or revoked,
18 shall be binding on the commission in any subsequent charges
19 concerning the person or public body who requested the opinion and
20 who acted in reliance on it in good faith unless material facts
21 were omitted or misstated by the person in the request for the
22 opinion;
23 (11) Act as the primary civil and criminal enforcement
24 agency for violations of the Nebraska Political Accountability and
25 Disclosure Act and the rules or regulations promulgated thereunder,
26 act as the primary civil enforcement agency for violations of the
27 Campaign Finance Limitation Act and the rules or regulations
1 promulgated thereunder, and act concurrently with the Attorney
2 General in prosecuting criminal violations of the Campaign Finance
3 Limitation Act;
4 (12) Receive all late filing fees, and civil penalties,
5 and interest imposed pursuant to the Campaign Finance Limitation

6 Act or the Nebraska Political Accountability and Disclosure Act,
 7 seek the return of any amount as provided in section 32-1606, and
 8 seek the repayment of any amount as provided in section 32-1607 and
 9 remit all such funds to the State Treasurer for credit to the
 10 Campaign Finance Limitation Cash Fund; and
 11 (13) Prepare and distribute to the appropriate local
 12 officials statements of financial interest, campaign committee
 13 organization forms, filing instructions and forms, and such other
 14 forms as the commission may deem appropriate.
 15 Sec. 11. Original sections 49-1447, 49-1453, 49-1463.01,
 16 49-1466, and 49-14,123, Reissue Revised Statutes of Nebraska, and
 17 sections 49-1401 and 49-1458, Revised Statutes Supplement, 1999,
 18 are repealed."
 19 2. Renumber the remaining sections accordingly.

Senators Brashear, Vrtiska, and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Schimek offered the following amendment:
 AM2363

(Amendments to E & R amendments, AM7183)

1 1. On page 3, line 12, strike "fifty" and insert "one
 2 hundred"; in line 13 strike "one" and insert "three"; in line 14
 3 strike "five hundred"; and in line 19 strike "five hundred" and
 4 insert "one thousand".

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 654. E & R amendment, AM7184, printed separately and referred to on page 576, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 654A. E & R amendment, AM7185, found on page 576, was adopted.

Senator Schimek offered the following amendment:
 AM2367

(Amendments to E & R amendments, AM7185)

1 1. Insert the following new sections:

2 "Sec. 2. There is hereby appropriated (1) \$50,000 from
 3 the Temporary Employee Pool Revolving Fund for FY1999-00 and (2)
 4 \$153,000 from the Temporary Employee Pool Revolving Fund for
 5 FY2000-01 to the Department of Administrative Services, for Program
 6 605, to aid in carrying out the provisions of Legislative Bill 654,
 7 Ninety-sixth Legislature, Second Session, 2000.
 8 Sec. 3. There is hereby appropriated (1) \$10,000 from
 9 the Health and Life Benefit Administration Cash Fund for FY1999-00
 10 and (2) \$10,000 from the Health and Life Benefit Administration
 11 Cash Fund for FY2000-01 to the Department of Administrative
 12 Services, for Program 606, to aid in carrying out the provisions of
 13 Legislative Bill 654, Ninety-sixth Legislature, Second Session,
 14 2000."
 15 2. Renumber the remaining section accordingly.

The Schimek 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 701. E & R amendment, AM7186, found on page 593, was adopted.

Senator Coordsen renewed his pending amendment, AM2342, found on page 606.

The Coordsen amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 204. E & R amendment, AM7187, found on page 595, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 419. Senator Coordsen offered the following amendment:

FA287

Amend AM2026

Pg 2 Line 3: Strike all after "site".

Pg 2 Line 4: Strike "agriculture".

Pg 2: Strike lines 12 through 14.

The Coordsen 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.

Senators Dierks and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1107. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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 Public Roads Classifications and Standards

James Anderson
James Bauer
Larry Kisby
Richard Ruby
Timothy Schram
Darold Tagge
Henry Thieman
Henry Vieregger

VOTE: Aye: Senators Jones, Bromm, Dw. Pedersen, Robak, Hudkins, Thompson, Byars, and Baker. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 2000, at 10:20 a.m., were the following: LBs 55, 151e, 288, 410, 477, 523, 534e, 582, 658, 729, and 788.

(Signed) Diana Bridges
Clerk of the Legislature's Office

ANNOUNCEMENTS

Senator Schmitt designates LB 213 as his priority bill.

The Judiciary Committee designates LB 921 and LB 1008 as its priority bills.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LB 55, LB 151e, LB 288,

LB 410, LB 477, LB 523, LB 534e, LB 582, and LB 658.

(Signed) Pat Engel

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 950:
AM2343

- 1 1. On page 6, line 14, after "(1)" insert "By December
- 2 1, 2003, each birthing facility shall include a hearing screening
- 3 test as part of its standard of care for newborns and shall
- 4 establish a mechanism for compliance review."
- 5 2. On page 7, strike lines 25 through 28 and insert:
- 6 "(a) Under a health insurance plan which provides
- 7 coverage for hearing screening tests for newborns and infants, such
- 8 coverage shall be subject to copayment, coinsurance, deductible,
- 9 and dollar-limit provisions to the extent that other medical
- 10 services covered by the health insurance plan are subject to such
- 11 provisions;"
- 12 3. On page 8, strike beginning with line 1 through "(e)"
- 13 in line 18 and insert "(b)".

RESOLUTION

LEGISLATIVE RESOLUTION 301. Introduced by Landis, 46.

WHEREAS, Nebraskans of African and African-American ancestry have contributed substantially to the history and culture of the state; and

WHEREAS, John Jefferson McWilliams, a former slave, Civil War veteran, and Nebraska homesteader, with his wife Sarah, established a six-generation Nebraska family which continues to exemplify those contributions; and

WHEREAS, one of John and Sarah's sons, Earl McWilliams, created in the first quarter of the 20th century a legacy of photographic art that is a source of pride for all Nebraskans and a treasure to be shared with all citizens of the United States.

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

1. That the Legislature recognizes and commends these accomplishments on behalf of all the people of the State of Nebraska.

2. That the Legislature urges all Nebraskans to take pride in the diversity that contributed to the unique history and culture of Nebraska and its people.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 652. The Thompson pending amendment, AM2267, printed separately and referred to on page 571 and considered on page 605,

was renewed.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

The Thompson amendment 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 652A. 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 950A. 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 950, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 1119 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 1012. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 1331. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 seniors from Westside High School, Omaha; 26 students and teacher from Johnson-Brock High School; 22 fifth through twelfth grade students and teachers from Twin City Baptist Academy, Papillion; and Bonnie Stokes, Dick Williams, Jim Singleton, Diane Kenning, Steve Goeken, Sandra Meyer, and Daryl Anderson from Fairbury.

The Doctor of the Day was Dr. Julie Jacobsen from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Friday, February 11, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 11, 2000

PRAYER

The prayer was offered by Pastor Bill Bowers, Dundee Presbyterian Church, Omaha, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Bromm and Kristensen who were excused; and Senators Bohlke, Brown, Hartnett, Landis, Dw. Pedersen, D. Pederson, Raikes, Robak, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 1436. Placed on General File as amended.
Standing Committee amendment to LB 1436:
AM2365

1 1. On page 2, line 12, after "section" insert "and the
2 rules and regulations adopted and promulgated under this section";
3 after line 14 insert the following new subdivisions:
4 "(c) A health teacher from a public school;
5 (d) One student from each category of school listed in
6 subsection (4) of this section;"; in line 15 strike "(c)" and
7 insert "(e)"; in line 17 strike "(d)" and insert "(f)"; in line 18
8 strike "(e)" and insert "(g)"; in line 19 strike "(f)" and insert
9 "(h)" and strike "and"; after line 19 insert the following new
10 subdivision:

- 11 "(i) A public health representative; and"; in line 20
 12 strike "(g)" and insert "(j)" and in line 22 strike "and (b)" and
 13 insert "through (d)".
- 14 2. On page 3, line 1, strike "through 2002"; in lines 11
 15 and 26 before "in" insert "statewide or"; and in line 14 strike
 16 "through 2003".
- 17 3. On page 4, line 1, after the period insert "The
 18 department shall oversee and administer the sponsorship awards
 19 provided in this section."; in line 2 strike "State Department of
 20 Education" and insert "department"; in line 4 strike "subsections
 21 (3) and (4) of"; in line 6 strike "and awards"; after line 16
 22 insert the following new subsection:
 23 "(7) The department shall conduct a review of the project
 24 before December 31, 2003, and submit a report to the Governor and
 1 Legislature with its recommendations."; and strike beginning with
 2 "The" in line 22 through the period in line 25.
- 3 4. On page 5, line 12, strike "sixty"; in line 13 after
 4 "Fund" insert "each year".

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 482A.

(Signed) Adrian M. Smith, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1410A. 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 1410, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 10, 2000, 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; Wellness International
American Communications Group, Inc. – Lincoln; MultiState Associates,
Inc.
Beaver, Debbie – Tulsa, OK; Williams Companies
Dehart, Chuck – Tulsa, OK; Williams Companies
Funk, Christine – Lincoln; Planned Parenthood of Lincoln
Kierstead, Roberta – Lincoln; Nebraska Planned Parenthood Voters for
Choice
Lamson, Dugan & Murray, LLP – Lincoln; Oasis Technologies, Inc.
Millea, Michael – Omaha; American Association of Retired Persons
Mueller, William J. – Lincoln; Lincoln Chamber of Commerce
Munguia, Roberto Fernando – Lincoln; Burlington Northern Santa Fe
Railroad
O'Hara & Associates, Inc. – Lincoln; CFO Services, LLP (Withdrawn
2/07/2000)
Ramirez, Joseph – Omaha; American Association of Retired Persons
Ruth, Larry L. – Lincoln; Lincoln Chamber of Commerce
Schleppenbach, Greg – Lincoln; Nebraska Catholic Conference
Vasey, Mary Jane – Cozad; American Association of Retired Persons

GENERAL FILE

LEGISLATIVE BILL 922. Title read. Considered.

The Standing Committee amendment, AM2081, found on page 418, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Pending.

ANNOUNCEMENT

Senator Bruning designates LB 628 as his priority bill.

AMENDMENT - Print in Journal

Senator Dierks filed the following amendment to LB 957:
AM2276

- 1 1. On page 3, strike lines 1 through 15 and insert:
- 2 "(c) The Director of Environmental Quality or his or her
- 3 designee;
- 4 (d) One member representing the Natural Resources
- 5 Conservation Service of the United States Department of
- 6 Agriculture;
- 7 (e) One member representing the University of Nebraska
- 8 Institute of Agriculture and Natural Resources;
- 9 (f) One member representing an entity which generates
- 10 electrical energy;
- 11 (g) Two members who are producers of field crops at least

12 one of whom actively employs a minimum tillage management system in
 13 his or her farming operation;

14 (h) Two members who are producers of livestock at least
 15 one of whom is actively involved in range management;

16 (i) One member with expertise in greenhouse emissions
 17 marketing or trading;

18 (j) One member representing natural resources districts;

19 (k) One member representing the transportation industry;
 20 and

21 (l) One member representing the ethanol industry."; and
 22 strike lines 24 through 26 and insert:

23 "(1) Advise and assist the Director of Natural Resources
 24 in preparing the reports pursuant to sections 4 and 5 of this act
 1 and in conducting the assessment pursuant to section 5 of this
 2 act;"

3 2. On page 4, line 9, strike "2000" and insert "2001".

RESOLUTION

LEGISLATIVE RESOLUTION 302. Introduced by Dierks, 40.

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 three 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.

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

1. That the week of February 13-19, 2000, 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.

GENERAL FILE

LEGISLATIVE BILL 922. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1004. Title read. Considered.

The Standing Committee amendment, AM2239, found on page 566, was considered.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

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

FA288

Amend AM2239

Strike subsection (b)

The Chambers amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Senator Coordsen asked unanimous consent to be excused until he 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.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 925. Placed on General File.

LEGISLATIVE BILL 1031. Placed on General File.

LEGISLATIVE BILL 1294. Placed on General File.

LEGISLATIVE BILL 1430. Placed on General File.

LEGISLATIVE BILL 1251. Placed on General File as amended.

Standing Committee amendment to LB 1251:

AM2371

- 1 1. On page 3, line 5 after the period insert "The Tax
- 2 Commissioner may waive the penalty provided in this section upon a
- 3 showing of good cause.".

LEGISLATIVE BILL 928. Indefinitely postponed.
LEGISLATIVE BILL 947. Indefinitely postponed.
LEGISLATIVE BILL 1048. Indefinitely postponed.
LEGISLATIVE BILL 1055. Indefinitely postponed.
LEGISLATIVE BILL 1088. Indefinitely postponed.
LEGISLATIVE BILL 1188. Indefinitely postponed.
LEGISLATIVE BILL 1260. Indefinitely postponed.
LEGISLATIVE BILL 1302. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 155. Title read. Considered.

The Standing Committee amendment, AM1955, found on page 307, was adopted with 28 ayes, 0 nays, 18 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.

LEGISLATIVE BILL 1125. 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.

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 950. Title read. Considered.

The Standing Committee amendment, AM2192, found on page 535, was considered.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 213:
 AM2380

- 1 1. In the Standing Committee amendment, AM2068:
- 2 a. Insert the following sections:
- 3 "Section 1. (1) Any person who operates a dairy
- 4 operation located within the brand inspection area may make
- 5 application to the Nebraska Brand Committee for registration as a

6 registered dairy. The application form shall be prescribed by the
7 brand committee and shall be made available by the director of the
8 brand committee for this purpose upon written request. If the
9 applicant is an individual, the application shall include the
10 applicant's social security number. After the brand committee has
11 received a properly completed application, an agent of the brand
12 committee shall within thirty days make an investigation to
13 determine if the following requirements are satisfied:

14 (a) The operator's dairy must be permanently fenced; and

15 (b) The operator must identify each animal individually

16 as directed by the Nebraska Brand Committee.

17 If the application is satisfactory, and upon payment of a
18 registration fee by the applicant, the brand committee shall issue
19 a registration number and registration certificate valid for one
20 year unless rescinded for cause. If the registration is rescinded
21 for cause, any registration fee shall be forfeited by the
22 applicant. The fee for a registered dairy shall be not less than
23 one hundred dollars nor more than six hundred fifty dollars for
24 each such registered dairy having one thousand head or less

1 capacity and an equal amount for each additional one thousand head
2 capacity, or part thereof, of such registered dairy. The brand

3 committee shall set the fee per one thousand head capacity so as to

4 correspond with the inspection fee provided under section 54-1,108.

5 The registration fee shall be paid on an annual basis.

6 (2) The brand committee may adopt and promulgate rules
7 and regulations for the operation of registered dairies to assure
8 that brand laws are complied with, that registered dairy shipping
9 certificates are available, and that proper records are maintained.
10 This section shall not be construed as prohibiting the operation of
11 nonregistered dairies.

12 (3) A registered dairy is subject to inspection at any
13 reasonable time at the discretion of the brand committee and its
14 authorized agents, and the operator shall show cattle purchase
15 records or certificates of inspection to cover all cattle in his or
16 her dairy. Cattle having originated from any such registered dairy
17 may from time to time, at the discretion of the committee, be
18 subject to a spot-check inspection and audit at the destination to
19 enable the brand committee to assure satisfactory compliance with
20 the brand laws by the registered dairy operator.

21 (4) The operator of a registered dairy shall keep cattle
22 inventory records. A form for such purpose shall be prescribed by
23 the brand committee. The brand committee and its employees may
24 from time to time make spot checks and audits of registered dairies
25 and the records of cattle in such registered dairies.

26 (5) The brand committee may rescind or suspend the
27 registration of any registered dairy operator who fails to
1 cooperate or violates the laws or rules and regulations of the
2 brand committee covering registered dairies.

3 Sec. 2. (1) Cattle sold or shipped from a registered

4 dairy, for purposes other than direct slaughter or sale on any
5 terminal market, are subject to the brand inspection under sections
6 54-1,110 to 54-1,119 and the seller or shipper shall bear the cost
7 of such inspection at the regular fee.
8 (2) Any other cattle shipped from a registered dairy are
9 not subject to brand inspection at origin or destination, but the
10 shipper must have a shipping certificate from the registered dairy.
11 The shipping certificate form shall be prescribed by the Nebraska
12 Brand Committee and shall show the registered dairy operator's
13 name, registration number, date shipped, destination, agency
14 receiving the cattle, number of head in the shipment, and sex. The
15 shipping certificate shall be completed in triplicate by the
16 registered dairy operator at the time of shipment, and one copy
17 thereof shall be delivered to the brand inspector at the market
18 along with shipment, if applicable, one copy shall be sent to the
19 brand committee by the tenth day of the following month, and one
20 copy shall be retained by the registered dairy operator. If a
21 shipping certificate does not accompany a shipment of cattle from a
22 registered dairy to any destination where brand inspection is
23 maintained by the brand committee, all such cattle are subject to a
24 brand inspection and inspection fees shall be charged for the
25 service.
26 (3) Any cattle originating in a state that has a brand
27 inspection agency and which are accompanied by a certificate of
1 inspection or brand clearance issued by such agency may be moved
2 directly from the point of origin into a registered dairy. Any
3 cattle not accompanied by such a certificate of inspection or brand
4 clearance or by satisfactory evidence of ownership from states or
5 portions of states not having brand inspection shall be inspected
6 for brands by the Nebraska Brand Committee within a reasonable time
7 after arrival at a registered dairy, and the inspection fee
8 provided under section 54-1,108 shall be collected by the brand
9 inspector at the time the inspection is performed.
10 Sec. 3. Section 54-170, Revised Statutes Supplement,
11 1999, is amended to read:
12 54-170. Sections 54-170 to 54-1,127 and sections 1 and 2
13 of this act shall be known and may be cited as the Livestock Brand
14 Act.
15 Sec. 6. Section 54-1,110, Revised Statutes Supplement,
16 1999, is amended to read:
17 54-1,110. (1) Except as provided in subsections (2) and
18 (3) of this section, no person shall move, in any manner, cattle
19 from a point within the brand inspection area to a point outside
20 the brand inspection area unless such cattle first have a brand
21 inspection by the Nebraska Brand Committee and a certificate of
22 inspection is issued. A copy of such certificate shall accompany
23 the cattle and shall be retained by all persons moving such cattle
24 as a permanent record.
25 (2) Cattle in a registered feedlot registered pursuant to

26 under sections 54-1,120 to 54-1,122 or a registered dairy
27 registered under sections 1 and 2 of this act are not subject to
1 the brand inspection of subsection (1) of this section. Possession
2 by the shipper or trucker of a shipping certificate from the
3 registered feedlot constitutes compliance if the cattle being
4 shipped are as represented on such shipping certificate.
5 (3) If the line designating the brand inspection area
6 divides a farm or ranch or lies between noncontiguous parcels of
7 land which are owned or operated by the same cattle owner or
8 owners, a permit may be issued, at the discretion of the Nebraska
9 Brand Committee, to the owner or owners of cattle on such farm,
10 ranch, or parcels of land to move the cattle in and out of the
11 brand inspection area without inspection. If the line designating
12 the brand inspection area lies between a farm or ranch and nearby
13 veterinary medical facilities, a permit may be issued, at the
14 discretion of the brand committee, to the owner or owners of cattle
15 on such farm or ranch to move the cattle in and out of the brand
16 inspection area without inspection to obtain care from the
17 veterinary medical facilities. The brand committee shall issue
18 initial permits only after receiving an application which includes
19 an application fee of ten dollars. The brand committee shall mail
20 all current permitholders an annual renewal notice, for January 1
21 renewal, which requires a renewal fee of ten dollars. If the
22 permit conditions still exist, the cattle owner or owners may renew
23 the permit.
24 (4) No person shall sell any cattle knowing that the
25 cattle are to be moved, in any manner, in violation of this
26 section. Proof of shipment or removal of the cattle from the brand
27 inspection area by the buyer or his or her agent is prima facie
1 proof of knowledge that sale was had for removal from the brand
2 inspection area.
3 (5) In cases of prosecution for violation of this
4 section, venue may be established in the county of origin or any
5 other county through which the cattle may pass in leaving the brand
6 inspection area.
7 Sec. 7. Section 54-1,111, Revised Statutes Supplement,
8 1999, is amended to read:
9 54-1,111. (1) Except as provided in subsection (2) of
10 this section, no person shall sell or trade any cattle located
11 within the brand inspection area, nor shall any person buy or
12 purchase any such cattle unless the cattle have been inspected for
13 brands and ownership and a certificate of inspection or brand
14 clearance has been issued by the Nebraska Brand Committee. Any
15 person selling such cattle shall present to the brand inspector a
16 properly executed bill of sale, brand clearance, or other
17 satisfactory evidence of ownership which shall be filed with the
18 original certificate of inspection in the records of the brand
19 committee. Any time a brand inspection is required by law, a brand
20 investigator or brand inspector may transfer evidence of ownership

21 of such cattle from a seller to a buyer by issuing a certificate of
22 inspection.

23 (2) A brand inspection is not required:

24 (a) For cattle of a registered feedlot registered under
25 sections 54-1,120 to 54-1,122 shipped for direct slaughter or sale
26 on any terminal market;

27 (b) For cattle of a registered dairy registered under
1 sections 1 and 2 of this act shipped for direct slaughter or sale
2 on any terminal market;

3 (c) ~~(b)~~ For cattle that are transferred to a family
4 corporation when all the shares of capital stock of the corporation
5 are owned by the husband, wife, children, or grandchildren of the
6 transferor and there is no consideration for the transfer other
7 than the issuance of stock of the corporation to such family
8 members;

9 (d) ~~(e)~~ When the change of ownership of cattle is a
10 change in form only and the surviving interests are in the exact
11 proportion as the original interests of ownership. When there is a
12 change of ownership described in subdivision ~~(2)(b)~~ ~~or (e)~~ (2)(c)
13 or (d) of this section, an affidavit, on a form prescribed by the
14 Nebraska Brand Committee, signed by the transferor and stating the
15 nature of the transfer and the number of cattle involved and the
16 brands presently on the cattle, shall be filed with the brand
17 committee;

18 (e) ~~(d)~~ For cattle sold or purchased for educational or
19 exhibition purposes or other recognized youth activities if a
20 properly executed bill of sale is exchanged and presented upon
21 demand. Educational or exhibition purpose means cattle sold or
22 purchased for the purpose of being fed, bred, managed, or tended in
23 a program designed to demonstrate or instruct in the use of various
24 feed rations, the selection of individuals of certain physical
25 conformation or breeds, the measurement and recording of rate of
26 gain in weight or fat content of meat or milk produced, or the
27 preparation of cattle for the purpose of exhibition or for judging

1 as to quality and conformation;

2 (f) ~~(e)~~ For calves under the age of thirty days sold or
3 purchased at private treaty if a bill of sale is exchanged and
4 presented upon demand; and

5 (g) ~~(f)~~ For purebred cattle raised by the seller and
6 individually registered with an organized breed association if a
7 properly executed bill of sale is exchanged and presented upon
8 demand.

9 Sec. 8. Section 54-1,121, Revised Statutes Supplement,
10 1999, is amended to read:

11 54-1,121. Cattle sold or shipped from a registered
12 feedlot, for purposes other than direct slaughter or sale on any
13 terminal market, are subject to the brand inspection under sections
14 54-1,110 ~~and to~~ 54-1,119, and the seller or shipper shall bear the
15 cost of such inspection at the regular fee.

16 Any other cattle shipped from a registered feedlot are
17 not subject to brand inspection at origin or destination, but the
18 shipper must have a shipping certificate from the registered
19 feedlot. The shipping certificate form shall be prescribed by the
20 Nebraska Brand Committee and shall show the registered feedlot
21 operator's name, registration number, date shipped, destination,
22 agency receiving the cattle, number of head in the shipment, and
23 sex. The shipping certificate shall be completed in triplicate by
24 the registered feedlot operator at the time of shipment, and one
25 copy thereof shall be delivered to the brand inspector at the
26 market along with shipment, if applicable, one copy shall be sent
27 to the brand committee by the tenth day of the following month, and
1 one copy shall be retained by the registered feedlot operator. If
2 a shipping certificate does not accompany a shipment of cattle from
3 a registered feedlot to any destination where brand inspection is
4 maintained by the brand committee, all such cattle shall be subject
5 to a brand inspection and inspection fees shall be charged for the
6 service.

7 Sec. 9. Section 54-1185, Revised Statutes Supplement,
8 1999, is amended to read:

9 54-1185. Inspection provided for in sections 54-1183 to
10 54-1185 shall be conducted in the manner established by the
11 Livestock Brand Act. The owner or operator making such election
12 shall may be required to guarantee to the Nebraska Brand Committee
13 that inspection fees derived from such livestock auction market or
14 packing plant will be sufficient, in each ~~six-month~~ twelve-month
15 period, to pay the per diem and mileage of the inspectors required
16 and that he or she will reimburse the committee for any deficit
17 incurred in any such ~~six-month~~ twelve-month period. Such guarantee
18 shall be secured by a corporate surety bond, to be approved by the
19 Secretary of State, in a penal sum to be established by the
20 Nebraska Brand Committee.

21 Sec. 10. Section 54-2014, Revised Statutes Supplement,
22 1999, is amended to read:

23 54-2014. Inspection provided for in this section and
24 sections 54-2012 and 54-2013 shall be conducted in the manner
25 established by the Livestock Brand Act. The livestock market
26 operator making such election shall may be required to guarantee to
27 the Nebraska Brand Committee that inspection fees derived from such
1 livestock market shall be sufficient, in each ~~six-month~~
2 twelve-month period, to pay the per diem and mileage of the
3 inspectors required and that he or she will reimburse the committee
4 for any deficit incurred in any such ~~six-month~~ twelve-month period.
5 Such guarantee shall be secured by a corporate surety bond, to be
6 approved by the Secretary of State, in a penal sum to be
7 established by the Nebraska Brand Committee.

8 Sec. 12. Since an emergency exists, this act takes
9 effect when passed and approved according to law.";

10 b. On page 2, after line 3 insert:

- 11 (3) It shall be unlawful to knowingly maintain a herd
 12 containing one or more animals which the possessor has branded, or
 13 caused to be branded, in violation of this section or any other
 14 provision of the Livestock Brand Act.";
 15 c. On page 3, line 27, strike "54-198 and 45-199" and
 16 insert "54-170, 54-198, 54-199, 54-1,110, 54-1,111, 54-1,121,
 17 54-1185, and 54-2014"; and
 18 d. Renumber the remaining sections accordingly.

Senator Wickersham filed the following amendment to LB 557:
 AM2391

(Amendments to Standing Committee amendments, AM0855)

- 1 1. On page 1, line 3, strike "1999" and insert "2000".

RESOLUTION

LEGISLATIVE RESOLUTION 303. Introduced by Connealy, 16.

WHEREAS, David Schroeder, an esteemed resident of West Point and a student at West Point High School, has achieved national recognition for exemplary volunteer service by receiving a 2000 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, Mr. Schroeder earned this award by giving generously of his time and energy to implement a bike safety clinic for youth in West Point; 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 Mr. Schroeder 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, SECOND SESSION:

1. That the Legislature hereby congratulates and honors Mr. Schroeder as a recipient of a 2000 Prudential Spirit of Community Award, recognizes his outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for his continued success and happiness.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion #00007

DATE: February 10, 2000

SUBJECT: LB 1415; Associational Rights Of Charitable And Fraternal Organizations Under The First Amendment To The United States Constitution.

REQUESTED BY: Senator Mark Quandahl
Nebraska State Legislature

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

Neb. Rev. Stat. §§ 21-608 through 21-624 (1997) deal with charitable and fraternal societies in Nebraska, and examples of specific organizations subject to those statutes include: The Grand Lodge, Ancient Free and Accepted Masons, The Benevolent and Protective Order of Elks of the United States of America, the Knights of Columbus, The Grand Lodge Fraternal Order of Eagles, The American Legion Auxiliary, and various college fraternities and sororities. Among other things, those statutes treat such organizations as corporations, and allow them to sue and be sued, to hold and convey real and personal property, and to "do all other things usually done by corporations for the purpose for which organized." Neb. Rev. Stat. § 21-609 (1997).

You have introduced LB 1415 which would make several changes in those statutes pertaining to charitable and fraternal societies. For example, § 1 of the bill would add the following language to § 21-609:

Each [charitable and fraternal] organization listed in section 21-608 and any such subordinate organization shall conduct its affairs, including the acquisition, retention, governance, and expulsion of members, in accordance with its charter, constitution, and bylaws as filed with the Secretary of State or the clerk of the county court. The relationship between each organization and its members shall be contractual. If an organization violates its own charter, constitution, or bylaws with respect to any member or abridges any constitutional or statutory rights of any member, such member may institute an action in the district court of Lancaster County or the district court of the county in which such organization meets or maintains an office or place of business.

In your opinion request letter, you indicate that you are concerned as to whether a portion of LB 1415 "may be unconstitutional under the Freedom of Association clause held in the First Amendment to the U.S. Constitution." From discussions with your staff, we understand that the portion of the bill which gives rise to your concern is the portion of the bill quoted above. We also understand from discussions with your staff that the associational rights at issue are the rights of the charitable or fraternal organizations themselves.

1. First Amendment Right of Association

The United States Supreme Court addressed the extent to which the federal Constitution and the First Amendment protect the associational freedom of private clubs and organizations in several cases during the 1980's. *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); *New York State Club Association, Inc. v. City of New York*, 487 U.S. 1 (1988); *Board of Directors of Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537 (1987); *Roberts v. United States Jaycees*, 468 U.S. 609 (1984). Those various cases hold that the Constitution protects two types of associational freedom:

First, the Court has held that the Constitution protects against unjustified government interference with an individual's choice to enter into and maintain certain intimate or private relationships. Second, the Court has upheld the freedom of individuals to associate for the purpose of engaging in protected speech or religious activities.

Rotary Club of Duarte, 481 U.S. at 544.

The first type of associational freedom, the right of intimate or private association, includes relationships such as marriage, the begetting and bearing of children, child rearing and education and cohabitation with relatives. *Id.* at 545. It also includes private, non-familial relationships which presuppose "deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctly personal aspects of one's life." *Roberts*, 468 U.S. at 619-620. Factors which should be considered in determining whether a particular association is sufficiently private to warrant constitutional protection in that context include: 1) the organization's size, 2) its purposes, 3) the selectivity in choosing its members, 4) the congeniality among its members, 5) whether others are excluded from critical aspects of the relationship, 6) the history of the organization, 7) the use of any association facilities by nonmembers, 8) whether the association advertises for members and 9) whether the association is nonprofit or for profit. *Louisiana Debating and Literary Association v. The City of New Orleans*, 42 F.3d 1483 (5th Cir. 1995).

The second type of associational freedom, the right of expressive association, involves a "right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends." *Roberts*, 468 U.S. at 622. Essentially, it involves the right to combine with others to advance one's views, or to form associations with others that advocate public or private viewpoints. *New York State Club Association*, 487 U.S. at 13.

Neither type of associational freedom is absolute. *Roberts*, 468 at 623; *Louisiana Debating and Literary Association*, 42 F.3d at 1498. However, infringement on those freedoms by state action requires a showing that the state action serves a compelling state interest which cannot be achieved through means significantly less restrictive of associational freedoms. *Id.*

2. Constitutionality of LB 1415

At the outset, it appears to us, based upon the standards set out above and a number of cases in this area, that there is a significant issue as to whether many of the charitable and fraternal societies potentially subject to LB 1415 and the statutes dealing with those organizations are sufficiently private so as to warrant constitutional protection for the right of intimate or private association. *City of Dallas v. Stanglin*, 490 U.S. 19 (1989)(teenage dance halls with more than 1000 persons in attendance do not possess protected right of association); *New York State Club Association, Inc. v. City of New York*, 487 U.S. 1 (1988)(private clubs with more than 400 members which provided regular meal service to and received payments from nonmembers did not possess protected right of association); *Board of Directors of Rotary Int'l v. Rotary Club of Duarte*, 481 U.S. 537 (1987)(requiring local Rotary Club to admit women members did not abridge any protected right of association); *Roberts v. United States Jaycees*, 468 U.S. 609 (1984)(requiring National Jaycees organization to admit women members did not abridge any protected right of association); *Salvation Army v. Department of Community Affairs of the State of New Jersey*, 919 F.2d 183 (3rd Cir. 1990)(family center for disadvantaged persons run by the Salvation Army could be subjected to state statutes regulating boarding houses without violating right of intimate or private association); *Watson v. Fraternal Order of Eagles*, 915 F.2d 235 (6th Cir. 1990)(local Fraternal Order of Eagles club did not possess protected right of association). In addition, we suspect that many, if not most, of the organizations potentially subject to LB 1415 and the statutes dealing with charitable and fraternal societies do not take positions on public questions or take steps to advocate particular public or private viewpoints so as to implicate the right of expressive association. Nevertheless, the constitutionality of a statute must be judged, not by what has been done or possibly may be done under it, but by what the statute authorizes to be done under its provisions. *State v. Kelley*, 249 Neb. 99, 541 N.W.2d 645 (1996). The statutes involving charitable and fraternal societies and LB 1415 could potentially reach private organizations and/or expressive association. Therefore, we believe that those statutes must be measured under the applicable constitutional standards.

In that regard, there is case law in this area which indicates that state action which impinges upon First Amendment associational rights is actionable only if it directly and substantially interferes with those rights. *Long v. UAW*, 485 U.S. 360 (1988); *Fighting Finest, Inc. v. Bretton*, 95 F.3d 224 (2nd Cir. 1996). As noted in the *Bretton* case:

The Supreme Court has held that, consonant with the First Amendment, government may engage in some conduct that incidentally inhibits protected forms of association. Though such inhibiting conduct might make it more difficult for individuals to exercise their freedom of association, this consequence does not, without more, result in a violation of the First Amendment. To be cognizable, the interference

with associational rights must be "direct and substantial" or "significant."

Id. at 228 (citations omitted).

In the present case, we do not believe that any interference with associational rights occasioned by the provisions at issue in LB 1415 would be direct and substantial or significant. Section 1 of the bill provides that members of a charitable or fraternal society have contractual rights growing out of that organization's charter, constitution and bylaws which are enforceable by an action in district court. However, Section 1 of LB 1415 does not prohibit charitable or fraternal societies from expelling or taking other action against their members consistent with their charter documents. Nor does that section require charitable or fraternal societies to associate or affiliate with particular individuals. It might be argued that Section 1 of LB 1415 creates a new cause of action against charitable or fraternal organizations based upon abridgement of constitutional or statutory rights. Nevertheless, we believe a better reading of that section is that it simply gives district courts clearer subject matter jurisdiction over any existing constitutional or statutory actions. For those reasons, we believe that any impact of Section 1 of LB 1415 on the associational rights of charitable and fraternal societies is only incidental. Therefore, in our view, the provisions at issue in the bill would not violate the First Amendment associational rights of the organizations subject to the legislation.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-157-10.15

Opinion #00008

DATE: February 08, 2000

SUBJECT: Neb. Rev. Stat. §54-2404(3)(c)(1999 Supp.); Authority of Department of Environmental Quality to Deny or Restrict Livestock Waste Control Facility Permits to Protect Cold Water Class A Streams.

REQUESTED BY: Senator Gene Tyson, Legislative District 19

WRITTEN BY: Don Stenberg, Attorney General
Mark D. Starr, Assistant Attorney General

According to your letter, you have offered Legislative Bill 1426 in an attempt to clarify the authority of the Nebraska Department of Environmental Quality (NDEQ) with regard to the denial or modification of a permit for a livestock waste control facility. You have indicated an intention to withdraw the bill if NDEQ already has the authority under Neb. Rev. Stat. § 54-2404(3)(c) (1999 Supp.), to deny or modify a permit due to the potential degradation of a Cold Water Class A Stream.

Ordinarily, we will not give an opinion to the Legislature concerning existing legislation, but because an interpretation of existing law directly bears upon your plans for proposed legislation, we will attempt to answer your question. Your letter indicates that you have a proposed dairy in mind, but you have not supplied enough facts for us to address that particular situation. Consequently, we will limit our response to the operation of section 54-2404(3)(c) (1999 Supp.), as it is this provision which appears to be the focus of your inquiry.

The section in question gives NDEQ the authority to "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." By its terms, it applies only where one requests a transfer or modification of an existing permit.

The reference to an application for a transfer seemingly contemplates the situation where there is a change in ownership of the livestock operation and the new owner seeks to operate under the authority of the permit issued to the previous owner. *See e.g.*, Neb. Rev. Stat. § 54-2407(3) and § 54-2409(3) (Supp. 1999), which do not expressly mandate such an application but appear to envision that one would be filed. An application for a modification may be triggered by a number of things. Examples would be a proposed increase in the number of animal units beyond what the permit allows or in excess of the design capacity of the permitted class of the livestock waste control facility.

We do not believe section 54-2404(3)(c) addresses an application for a construction permit for a new livestock waste control facility or the expansion of an existing facility which does not possess a permit. If NDEQ is to have the authority to deny an application for a new permit based upon the potential degradation of a cold water class A stream, then such authority must be found elsewhere. We would add that it is the potential for pollution which triggers the need for a permit in the first place. *See* Neb. Rev. Stat. §§ 54-2404(1)(1999 Supp.) and 81-1504(20) (1999).

It is hoped that this discussion has helped answer your question about the extent of NDEQ's authority under section 54-2404(3)(c) so that you may make an informed assessment of the need for the legislation you have in mind.

Sincerely,

Don Stenberg
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

26-205-10.3

ANNOUNCEMENT

Senator Quandahl designates LB 929 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Lynch asked unanimous consent to have his name added as cointroducer to LB 1302. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 929. No objections. So ordered.

Senator Kiel asked unanimous consent to have her name added as cointroducer to LB 155. No objections. So ordered.

VISITORS

Visitors to the Chamber were 7 students and teacher from Lincoln High School, Lincoln; and Senator Matzke's grandson, Jered Matzke, and Dustin Hegy from Seward.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Monday, February 14, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 14, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 2000

PRAYER

The prayer was offered by Pastor Lowell Hennigs, Our Savior Lutheran Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present Senators Beutler, Brashear, Brown, Hartnett, Kiel, Matzke, D. Pederson, Raikes, Robak, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 900. Placed on Select File as amended.
E & R amendment to LB 900:
AM7192

- 1 1. On page 1, line 13, after "46-230," insert "46-231,".
- 2 2. On page 2, line 23, after the semicolon insert "to
- 3 change provisions relating to the appropriation of water;".
- 4 3. On page 35, line 21, strike "fund", show as stricken,
- 5 and insert "Nebraska Resources Development Fund".
- 6 4. On page 62, line 11, strike the comma and show as
- 7 stricken.
- 8 5. On page 93, lines 14 and 15, reinstate the stricken
- 9 matter.

LEGISLATIVE BILL 900A. Placed on Select File.

LEGISLATIVE BILL 1258. Placed on Select File as amended.

E & R amendment to LB 1258:

AM7191

1 1. On page 1, line 5, strike "and" and insert "an".

LEGISLATIVE BILL 659. Placed on Select File as amended.

(E & R amendment, AM7190, 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 659A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 932 as its priority bill.

The Transportation and Telecommunications Committee designates LB 951 and LB 1285 as its priority bills.

UNANIMOUS CONSENT - Members Excused

Senators Wickersham and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Approve Appointments

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 632: Board of Public Roads Classifications and Standards - James Anderson, James Bauer, Larry Kisby, Richard Ruby, Timothy Schram, Darold Tagge, Henry Thieman, and Henry Vieregger.

Voting in the affirmative, 37:

Aguilar	Baker	Bohlke	Bourne	Bromm
Bruning	Byars	Connealy	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Janssen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Raikes	Redfield	Schimek	Schmitt
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Coordsen Hudkins Jensen

Excused and not voting, 8:

Beutler Brashear Brown Hartnett Quandahl
Robak Schrock Wickersham

The appointments were confirmed with 37 ayes, 1 nay, 3 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 950. Considered.

The Standing Committee amendment, AM2192, found on page 535 and considered on page 642, was renewed.

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

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

Senator Byars renewed his pending amendment, AM2343, found on page 633.

The Byars amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Schimek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 950A. 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 957A. 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 957, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

STANDING COMMITTEE REPORT**Judiciary**

The Judiciary 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 Parole
Mike Gomez

Crime Victims Reparation Committee
William Brueggemann
Scot Ford

VOTE: Aye: Senators Baker, Bourne, Brashear, Connealy, Hilgert, Dw. Pedersen, and Robak. Nay: None. Absent: Senator Chambers.

(Signed) Kermit A. Brashear, Chairperson

ANNOUNCEMENTS

The Revenue Committee designates LB 1138 as its priority bill.

Senator Dierks designates LB 833 as his priority bill.

Senator D. Pederson designates LB 1003 as his priority bill.

STANDING COMMITTEE REPORTS**Judiciary**

LEGISLATIVE BILL 994. Placed on General File.

LEGISLATIVE BILL 130. Indefinitely postponed.
LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 265. Indefinitely postponed.
LEGISLATIVE BILL 313. Indefinitely postponed.
LEGISLATIVE BILL 406. Indefinitely postponed.
LEGISLATIVE BILL 408. Indefinitely postponed.
LEGISLATIVE BILL 435. Indefinitely postponed.

LEGISLATIVE BILL 516. Indefinitely postponed.
LEGISLATIVE BILL 577. Indefinitely postponed.
LEGISLATIVE BILL 593. Indefinitely postponed.
LEGISLATIVE BILL 614. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 651. Indefinitely postponed.
LEGISLATIVE BILL 798. Indefinitely postponed.
LEGISLATIVE BILL 824. Indefinitely postponed.
LEGISLATIVE BILL 850. Indefinitely postponed.
LEGISLATIVE BILL 926. Indefinitely postponed.
LEGISLATIVE BILL 927. Indefinitely postponed.
LEGISLATIVE BILL 940. Indefinitely postponed.
LEGISLATIVE BILL 1133. Indefinitely postponed.
LEGISLATIVE BILL 1203. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Revenue

LEGISLATIVE BILL 1279. Placed on General File as amended.
Standing Committee amendment to LB 1279:
AM2389

- 1 1. On page 2, line 26, after "aid" insert "as defined in
2 section 13-518".
- 3 2. On page 4, line 4, strike "safety transportation" and
4 insert "transportation safety".
- 5 3. On page 5, lines 6 and 15 through 19, reinstate the
6 stricken matter and strike the new matter.
- 7 4. On page 9, strike beginning with "volunteer" in line
8 23 through the first comma in line 24; and strike the new matter in
9 line 26 and insert "the Joint Public Agency Act which has
10 separately levied a property tax based on legal authority for a
11 joint public agency to levy such a tax independent of the public
12 agencies forming such joint public agency.".
- 13 5. On page 10, strike beginning with line 5 through the
14 period in line 7 and show as stricken.

LEGISLATIVE BILL 1305. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1076. Placed on General File.
LEGISLATIVE BILL 1361. Placed on General File.
LEGISLATIVE BILL 1431. Placed on General File.

LEGISLATIVE BILL 1097. Placed on General File as amended.
Standing Committee amendment to LB 1097:

AM2360

1 1. Strike original section 2 and insert the following
 2 section:
 3 "Sec. 2. Section 86-1911, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 86-1911. (1) No telecommunications company shall
 6 initiate or bill for, either directly or through an agent,
 7 additional telecommunications services that it provides which are
 8 not required by the Public Service Commission to be offered and for
 9 which the subscriber did not explicitly request or subscribe. If
 10 (a) a charge is assessed on a per-use basis for a service described
 11 in this subsection and (b) the subscriber notifies the providing
 12 such telecommunications company that the subscriber did not utilize
 13 the service or the subscriber did not authorize the utilization of
 14 the service, the providing telecommunications such company shall
 15 initiate a refund of the charge or may apply the charge as a credit
 16 to the subscriber's next monthly bill with the approval of the
 17 subscriber. With regard to direct dialed telecommunications
 18 services, evidence that a call was dialed is prima facie evidence
 19 of authorization by the subscriber. Charges for collect calls
 20 shall be exempt from this section.
 21 (2) If a providing telecommunications company receives a
 22 notification pursuant to ~~subdivision (1)(b)~~ subsection (1) of this
 23 section, the company shall inform the subscriber of the ability, if
 24 possible, to block services from future use by the subscriber and
 1 shall block the services when possible from future use by the
 2 subscriber if the subscriber so requests. If a subscriber requests
 3 that the company not block the service or later requests to have
 4 the block lifted, the subscriber shall be responsible for charges
 5 caused by the future utilization of such service. The company
 6 shall not charge a recurring fee for blocking such service.".

LEGISLATIVE BILL 1357. Placed on General File as amended.
 Standing Committee amendment to LB 1357:

AM2356

1 1. On page 3, line 20, after "ordinance" insert "or
 2 resolution"; and in line 21 strike "on any highway or".

LEGISLATIVE BILL 1404. Placed on General File as amended.
 Standing Committee amendment to LB 1404:

AM2306

1 1. On page 3, strike lines 24 through 28.
 2 2. On page 4, strike lines 1 through 9.

LEGISLATIVE BILL 1446. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

Health and Human Services**LEGISLATIVE BILL 1108.** Placed on General File.**LEGISLATIVE BILL 1189.** Placed on General File.

(Signed) Jim Jensen, Chairperson

ATTORNEY GENERAL'S OPINIONOpinion #00009

DATE: February 8, 2000

SUBJECT: LB 1437 - Family Farm and Ranch Transfer Act.
Constitutionality and Applicability of this Act to Neb.
Const. art. XII, § 8.

REQUESTED BY: Merton L. "Cap" Dierks, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General
William R. Barger, Assistant Attorney General

We have received your request for an opinion on two questions relating to LB 1437, the Family Farm and Ranch Transfer Act. In particular, you ask whether LB 1437 would violate Neb. Const. art. XII, § 8 to the extent the legislation would permit limited liability entities formed for purposes of section 3 of LB 1437 to own agricultural land or engage in farming or ranching. Second, you ask if LB 1437 enables the formation of a limited liability entity for the purposes of section 3 of LB 1437 that would not be in violation of Neb. Const. art. XII, § 8. LB 1437 is a bill that purportedly provides an exception to the constitutional prohibition on certain types of agricultural activities by corporations for inter-generational transfers of agricultural operations. It should be noted that a similar bill to LB 1437 was introduced during the 1999 session of the Nebraska Legislature, and that a formal opinion was issued by our office on LB 274. Op. Att'y Gen. No. 99007 (March 4, 1999). Many of the same issues in that opinion are discussed herein.

I. DESCRIPTION OF CURRENT LAW AND PROPOSED BILL

Neb. Const. art. XII, § 8, otherwise known as "Initiative 300", was passed into law by the voters of Nebraska on November 2, 1982. Initiative Measure No. 300 was placed on the ballot by the voter petition process contained in Neb. Const. art. III, § 2. This initiative provided a general prohibition on corporations, trusts and limited partnerships owning agricultural land, or engaging in farming or ranching. It states:

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.

Neb. Const. art. XII, § 8(1).

This prohibition on limited liability entities, which includes corporations and syndicates, has certain exceptions contained in Neb. Const. art. XII, § 8(1)(A) - (N). In regards to LB 1437, the definition of "syndicate" is important, and it states:

Syndicate shall 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. This shall not include general partnerships.

The analysis of the "syndicate" definition is relevant to LB 1437, which would amend the current statutory scheme controlling "syndicates". This statutory scheme provides essentially the same limitations upon limited liability companies and limited liability partnerships in regards to agricultural property by statute as the constitution provides for limited partnerships. The statutes and constitution define "syndicate" to include all limited liability entities which are not corporations, which includes limited partnerships (Neb. Const. art. XII, § 8(1)), limited liability companies (Neb. Rev. Stat. § 21-2602(2) (1997)), or limited liability partnerships (Neb. Rev. Stat. §§ 67-306(3) & 67-409(2) (1996, Cum. Supp. 1998)). A similar exception to the rule against owning agricultural interests exists for a "family farm" under these statutes as is stated in the "family farm" limited partnership exception above. The exception allows members of a family to own the limited liability entity, provided that those owners are related to the other owners " . . . within the fourth degree of kindred according to the rules of civil law, or their spouses . . . " and that at least one owner is a " . . . person residing on or actively engaged in the day-to-day labor and management of the farm or ranch." Neb. Const. art. XII, § 8(1); Neb. Rev. Stat. §§ 21-2602(2), 67-306(3) & 67-409(2). A more detailed description of this "family farm" exception is examined in Op. Att'y Gen. No. 99007, along with a description of the treatment of partnerships under the Uniform Partnership Act and the Uniform Partnership Act of 1998.

LB 1437 proposes an expansion of the exceptions allowed for "syndicates" under the above scheme. In particular, section 3 of LB 1437 states:

A limited liability company, limited partnership, or limited liability partnership may be formed for the purpose of transferring ownership interest in a family farm or ranch operation from a senior member or partner to a junior member or partner as provided in the Family Farm and

Ranch Transfer Act. The articles of organization of a limited liability partnership, or the registration application or statement of qualification of a limited liability partnership formed pursuant to this section shall include a description of the time frame and the financial arrangements concerning the transfer of ownership interests in agricultural land in addition to any other information as required by law.

1999 LB 1437 §3.

This section would allow a "senior member or partner" to transfer his or her ownership interest to a "junior member or partner". *Id.* Senior members or partners and junior members or partners are defined in LB 1437 § 2 as:

Junior member or partner means a family farm or ranch operation:

(a) Which is actively engaged in farming or ranching; and

(b) Whose operator (i) is younger than sixty-five years of age at the time the entity is formed pursuant to section 3 of this act, (ii) is actively engaged in such farming or ranching, and (iii) holds, either individually or with a spouse jointly or individually, a majority of the ownership interest in the operation of the junior member;

* * * * *

Senior member or partner means a family farm or ranch operation:

(a) Which owns agricultural land; and

(b) Whose manager (i) is at least sixty-five years of age at the time the entity is formed pursuant to section 3 of this act, (ii) has been actively engaged in farming or ranching on land owned by the senior member prior to reaching sixty-five years of age, and (iii) holds, either individually or with a spouse jointly or individually a majority of the ownership interest in the operation of the senior member.

1999 LB 1437 §§ 2(2) and 2(4).

These senior members or partners and junior members or partners can form "family farm or ranch operations", which are essentially the "family farm" exceptions for corporations and syndicates described in the above constitutional amendment and statutes. These "family farm or ranch operations" can also include sole proprietors and general partnerships. These "family farm or ranch operations" are defined to mean:

Family farm or ranch operation means a sole proprietorship or general partnership engaged in farming or ranching or the ownership of agricultural land, a limited liability company pursuant to section (2)(a) of section 21-2602, a limited partnership pursuant to subdivision (2)(a) of

section 67-238, a limited liability partnership pursuant to subdivision (3)(a) of section 67-306 or subdivision (2)(a) or section 67-409, or a family farm or ranch corporation as defined in Article XII, section 8, of the Constitution of Nebraska.

1999 LB 1437 § 2(1).

Further, these "family farm or ranch operations" have specific requirements upon their operator (in the case of a "junior member") or their manager (in the case of a "senior member"). Manager or operator means:

[A]n individual who is in a family farm or ranch operation and who is (a) the sole proprietor of a sole proprietorship or a partner if a general partnership or (b) a partner of such limited partnership or limited liability partnership, a member of a limited liability company, or a stockholder of a family farm or ranch corporation if such partner, member, or stockholder is related to other partners, members, or stockholders within the fourth degree of kindred according to the rules of civil law.

1999 LB 1437 § 2(3).

Last of all, LB 1437 amends the existing statutes on limited liability companies, limited partnerships and limited liability partnerships. It is important to note that these senior and junior members or partners do not need to be related as family. To fully understand the effect of this bill, we must compare it to the current statutes and constitution.

II. RELATIONSHIP OF LB 1437 TO NEB. CONST. ART. XII, § 8(1) AND ITS EXISTING STATUTORY SCHEME

Your question of whether LB 1437 violates Neb. Const. art. XII, § 8(1) can be answered by considering the effect enactment of LB 1437 would have. Restated, can LB 1437 allow "syndicates", in the form of "non-family" limited liability companies, limited partnerships and limited liability partnerships, to be formed for the purpose of owning agricultural land, or to engage in farming or ranching, and remain within the limitations of Neb. Const. art. XII, § 8(1)? We will examine each of these limited liability entities to determine what the net effect of this bill would be.

A. LIMITED PARTNERSHIPS

Limited partnerships (hereinafter "LPs") were in existence at the time Neb. Const. art. XII, § 8 was enacted in Nebraska. Limited partners do not have personal liability beyond their obligations to contribute to the partnership, as long as they do not take part in the control of the business.¹ This limited liability for limited partners ends if the limited partner implies to creditors he or she is a general partner, or if he or she participates in the management of day-to-day affairs of the business.² To acquire this limited

liability, the partners must file a certificate of limited partnership with the Nebraska Secretary of State. Neb. Rev. Stat. § 67-240.

LB 1437 allows a limited partnership to be formed which transfers ownership interest from a junior partner to a senior partner. 1999 LB 1437 § 3. The descriptions of who these junior and senior partners may be is contained in section 2 of LB 1437. Section 6 of LB 1437 further amends Neb. Rev. Stat. § 67-238 to define "syndicate" as it relates to Neb. Const. art. XII, § 8. This definition of "syndicate" codifies the "family farm LP" exception as defined in Neb. Const. art. XII, § 8(1), and further creates an exception for "non-family farm LPs" formed under the Family Farm and Ranch Transfer Act.

Since Neb. Const. art. XII, § 8 limits the types of LPs that may own agricultural land or engage in farming and ranching, is it permissible to create a statutory exception to the Neb. Const. art. XII, § 8 limitations? "A Constitution represents the supreme written will of the people regarding the framework for their government." *Duggan v. Beerman*, 544 N.W.2d 68, 77, 249 Neb. 411, 421 (1996). By describing the types of LPs that may avoid the limitations upon "syndicates", it appears the Nebraska Constitution has provided only that "family farm LPs" as defined in Neb. Const. art. XII, § 8 can operate in Nebraska. Neb. Const. art. XII, § 8 does not appear to include any other exceptions for LPs to avoid the general prohibition against "syndicates" owning agricultural land or engaging in farming and ranching. "In ascertaining the intent of a constitutional provision from its language, the court may not supply any supposed omission, or add words to or take words from the provisions as framed." *DeCamp v. State*, 594, N.W.2d 571, 573, 256 Neb. 892, 895 (1999)(citations omitted). Unless "non-family farm" LPs were included in Neb. Const. art. XII, § 8, then any further exception for "syndicates" would be inconsistent with the Constitution.

Neb. Const. art. XII, § 8 does allow for modification. However, these modifications are limited to further restrictions, as stated in the modification clause:

The Nebraska Legislature may enact, by general law, further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section.

Neb. Const. art. XII, § 8.

LB 1437 does not propose ". . . further restrictions prohibiting certain agricultural operations . . .", which includes LPs. This bill instead expands the definition of "syndicate" to include LPs not mentioned in the Constitution itself. Any modification of the definition of "syndicate" to include LPs not described in Neb. Const. art. XII, § 8 would be constitutionally suspect, as the Constitution can only be amended by a constitutional amendment. "In adopting the Constitution, the people have

imposed upon themselves limitations on their ability to amend this fundamental law." *Duggan v. Beerman*, 544 N.W.2d at 77, 249 Neb. at 421. LB 1437's definition of LPs is inconsistent with Neb. Const. art. XII, § 8.

B. LIMITED LIABILITY COMPANIES

In 1997, LB 631 was codified under Neb. Rev. Stat. §§ 21-2601 *et. seq.*, making the current form of limited liability companies available in Nebraska. Nebraska has recognized limited liability companies (hereinafter "LLCs") since 1993, and all 50 states plus the District of Columbia now recognize and enable organization of these entities.³ The LLC is an entity that combines a partnership-like structure with corporate-like limited liability.⁴ LLCs in Nebraska are much like corporations, in that they can last perpetually (Neb. Rev. Stat. § 21-2606(2)(a), they can have one or more members (Neb. Rev. Stat. § 21-2605), and they offer limited liability to their members and managers (Neb. Rev. Stat. §21-2612(1)). An LLC, if properly formed, is fundamentally taxed as a partnership and not as a C corporation.⁵

In 1982, when Neb. Const. art. XII, § 8(1) was enacted, LLCs did not exist in Nebraska. Since their creation, Neb. Rev. Stat. § 21-2602(2) was adopted to include LLCs under the definition of "syndicate", and allowed the limited exception for "family farm" LLCs. The "family farm" LLC definition appears to follow the language supplied for the exception for "family farm" LPs contained in Neb. Const. art. XII, § 8. The Legislature enacted this statute for ". . . further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section." Neb. Const. art. XII, § 8.

LB 1437 also expands the definition of "syndicate" contained in Neb. Rev. Stat. § 21-2602(2). Section 4 includes exceptions for the "family farm" LLC as previously defined in the statute, and further excepts "non-family farm" LLCs formed in accord with the Family Farm and Ranch Transfer Act from the limitations upon "syndicates".

If Neb. Const. art. XII, § 8 does not mention LLCs as being syndicates or corporations in its language, and only allows statutory modifications of the Constitution to be statutes "prohibiting certain agricultural operations", can LB 1437's expanded definition of syndicate be consistent with the Constitution? In determining if the Constitution permits such a result, "[t]he language of a constitutional provision is to be interpreted with reference to established laws, usage, and customs of the country at the time of its adoption, but its terms and provisions are constantly expanded and enlarged by construction to meet the advancing affairs of humankind." *Pig Pro Nonstock Co-op v. Moore*, 568 N.W.2d 217, 225, 253 Neb. 72, 84 (1997). With this end in mind, one must determine whether an LLC is an entity which was meant to be regulated by the modification clause of Neb. Const. art. XII, § 8, and further what type of statutes are regulations consistent with the modification clause in Neb. Const. art. XII, § 8 .

An LLC is not described in Neb. Const. art. XII, § 8 as a "corporation" or a "syndicate", therefore, it appears LLCs are not directly controlled by Neb. Const. art. XII, § 8. However, LLCs were not in existence at the time Neb. Const. art. XII, § 8 was enacted. It would appear logical that the modification clause of art. XII, § 8 would allow further regulation of the meaning of "syndicate" to include an LLC, if the statute followed the modification requirements of Neb. Const. art. XII, § 8. Many other Nebraska statutes relating to regulation of corporations and partnerships were amended once LLCs became available in Nebraska. Neb. Rev. Stat. §§ 21-1914(14), 33-101(3)(a), 43-3329(10), 44-5103(2), 48-2302(4) & (6) and 67-101 were all revised to include both LLCs and LLPs in their terms, adjacent to the terms for corporations, partnerships, limited partnerships and other entities. Extending the definition of a "syndicate" to include LLCs is consistent with other Nebraska statutes, and with the modification clause of Neb. Const. art. XII, § 8. "A court will construe statutes relating to the same subject matter together so as to maintain a consistent and sensible scheme." *FirsTier Bank, N.A. v. Department of Revenue*, 254 Neb. 918, 925, 580 N.W.2d 537, 541 (1998). Further, construction of the Constitutional term "syndicate" is allowed to encompass new entities, as "[e]very clause in the constitution has been inserted for a useful purpose and should receive even broader and more liberal construction than statutes". *Hall v. Progress Pig, Inc.*, 575 N.W.2d 369, 375, 254 Neb. 150, 158 (1998). LLCs, although not expressly mentioned in Neb. Const. art. XII, § 8, can be statutorily regulated under the modification clause of Neb. Const. art. XII, § 8.

The next determination is whether a "non-family farm" LLC may be an exception to the limitations upon "syndicates" prescribed by Neb. Const. art. XII, § 8. LB 1437's transfer of property between unrelated junior and senior members of an LLC must be consistent with the intent of Neb. Const. art. XII, § 8. 1999 LB 1437 §§ 3 & 4. When a constitutional amendment is adopted by Nebraska voters, ". . . the intent of the voters in adopting an initiative amendment to the Nebraska Constitution must be determined from the words of the initiative itself." *DeCamp v. State*, 594, N.W.2d at 573, 256 Neb. at 895. LB 1437 must coincide with the intent behind the limiting language on "syndicates" in Neb. Const. art. XII, § 8.

An LLC which allows members who are not related within the fourth degree of kindred to own agricultural land or engage in farming or ranching does not appear as an exception for either corporations or syndicates in Neb. Const. art. XII, § 8. Nor does such a situation exist in current statutes. LB 1437 would create an expansion of the definition of "syndicate" unlike any prior definitions because it allows unrelated members to own an LLC. While modification of Neb. Const. art. XII, § 8 by statute is allowed, the modifications are limited to ". . . further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section." Neb. Const. art. XII, § 8 (emphasis added). Allowing an agricultural LLC to be structured in a way that agricultural LPs or corporations could not be structured is not a "further restriction" upon LLCs. It would appear to be an expansion of the definition of "syndicate". Further,

as described below, LB 1437's definition of "farming or ranching" is not consistent with Neb. Const. art. XII, § 8, causing the bill to be inconsistent with the Constitution in that respect. Lastly, courts have determined that part of the purpose of Neb. Const. art. XII, § 8 is to promote "family farms".

The court has stated:

We determine 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 or Nebraska Indian tribe from forming and utilizing a corporation to own and operate a farm or ranch land for their personal economic gain, other than for the specific uses set forth in § 8(1)(E) through (N).

Pig Pro Nonstock Co-op v. Moore, 568 N.W.2d at 225, 253 Neb. at 84.

Considering the above factors, it appears that LB 1437's creation of a "non-family farm" LLC by statute is inconsistent with the scheme created by Neb. Const. art. XII, § 8 and Neb. Rev. Stat. § 21-2602(2).

C. LIMITED LIABILITY PARTNERSHIPS

Limited liability partnerships (hereinafter "LLPs") recently became available in Nebraska, when the Uniform Partnership Act of 1998 began to replace the former Uniform Partnership Act by the 1997 enactment of LB 523. LLPs can be created by filing a "statement of qualification" with the Secretary of State. Neb. Rev. Stat. § 67-454(3). LLPs were originally created to shelter partners in professional firms, but their use has been extended to business enterprises.⁶ They are formed and managed like a general partnership, except that state filing is necessary to obtain limited liability.⁷ Unlike the limited partnership, an LLP allows general partners to obtain limited liability much like the limited partners in a limited partnership.⁸

The Nebraska Legislature began regulating LLPs as "syndicates" in the same year LLCs were considered "syndicates". Neb. Rev. Stat. §§ 21, 2602(2), 67-306(3) & 67-409(2). The limitations contained in the LLP sections were fundamentally similar to the limitations upon "family farm" LLCs and "family farm" LLPs. All entities were required to have ownership of the entity by family members, with at least one of these owners residing upon or actively performing day-to-day labor and management. *Id.*

Much of the above discussion which applies to LLCs also applies to LLPs. LLPs had not been created in Nebraska when Neb. Const. art. XII, § 8 was enacted. LLPs are very similar to Limited Partnerships.⁹ Neb. Const. art. XII, § 8 allows legislative regulation of newly created entities, so long as that legislation enacts " . . . further restrictions prohibiting certain agricultural operations that the legislature deems contrary to the intent of this section." Neb. Const. art. XII, § 8. LLPs may be properly regulated under the legislative description of "syndicate".

Like LLCs, LLPs allow transfer of agricultural property between a senior and junior partner in the form of a limited liability entity. These senior and junior partners need not be related. This result expands legislation beyond the limitations allowed by Neb. Const. art. XII, § 8. An expansion of LLP's "syndicate" definition under LB 1437 §§ 3, 8, 9, 10 & 11, does not place " . . . further restrictions prohibiting agricultural operations . . . " upon LLPs. The mentioned sections of LB 1437 are inconsistent with the intent of Neb. Const. art. XII, § 8. LB 1437's definition of a "syndicate" for LLPs is constitutionally suspect because it allows non-family members to form a limited liability entity for the ownership of farmland, or to engage in farming or ranching.

Besides the problems associated with non-family partners owning agricultural interests in an LLP, LB 1437 §§ 2 & 3 expand the definition of "farming or ranching" performed by "syndicates." In particular, LB 1437 §§ 2(2) & 2(4) describes operators and managers as persons who " . . . actively engage in farming or ranching . . . ". This description does not mention the current constitutional and statutory requirements for "syndicate" partners/members, which require that these persons " . . . actively engage in the day-to-day labor and management of the farm or ranch . . . " Neb. Const. art. XII, § 8(1), Neb. Rev. Stat. §§ 21, 2602(2), 67-306(3) & 67-409(2). These words have additional meaning beyond "actively" farming and ranching. "In determining the intent of a constitutional provision, a court may not supply any supposed omission, add words, or take words from the provision as framed." *Hall v. Progress Pig, Inc.*, 575 N.W.2d at 375, 376, 254 Neb. at 158. While Nebraska requires " . . . day-to-day labor and management of the farm or ranch . . . ", other states are not as specific in their requirements for a farm to qualify as a "family farm."¹⁰ The Nebraska Supreme Court is scheduled to hear arguments on precisely the above terms this March.¹¹ LB 1437's omission of " . . . day-to-day labor and management . . . " in the definition of "actively" farming or ranching is an expansion of constitutional terms. Hence, LB 1437's definition is inconsistent with the modification clause of Neb. Const. art. XII, § 8 by failing to place " . . . further restrictions prohibiting agricultural operations . . . " in its provisions. Neb. Const. art. XII, § 8.

In sum, "non-family farm" LPs, LLCs and LLPs, as described under LB 1437, appear to expand the definition of a "syndicate" beyond that intended in Neb. Const. art. XII, § 8 and its current statutory scheme. Additionally, LB 1437 allows these entities to conduct operations in which the members or partners need only be "actively" engaged in farming or ranching, rather than the stricter "day-to-day labor and management" of the farm or ranch required by Neb. Const. art. XII, § 8 and its statutory scheme. For these reasons, LB 1437 is constitutionally suspect. "The Legislature cannot circumvent an express provision of the Constitution by doing indirectly what it may not do directly." *Haman v. Marsh*, 467 N.W.2d 836, 844, 237 Neb. 699, 708 (1991). A change to the Constitution must be accomplished through a Constitutional Amendment.

III. ALLOWABLE OPERATIONS UNDER LB 1437 AND NEB. CONST. ART. XII, § 8(1)

Your second question asks whether LB 1437 allows the formation of a limited liability entity which fits the requirements of both LB 1437 § 3 and Neb. Const. art. XII, § 8. This type of an operation must fit the requirements on LPs, LLCs and LLPs imposed by both Neb. Const. art. XII, § 8 and LB 1437.

There are numerous types of operations which may be created under Neb. Const. art. XII, § 8 and LB 1437. The limiting factors mentioned in the prior sections require that any entity which is created under LB 1437 also fit the requirements of Neb. Const. art. XII, § 8. In particular, this entity must have a the junior partner/member and the senior partner/member, or a spouse of this partner/member, who are: a) members of family related to one another within the fourth degree of kindred; and, b) reside upon, or actively engage in the day-to-day labor and management of the farm or ranch. Neb. Const. art. XII, § 8(1); Neb. Rev. Stat. §§ 21, 2602(2), 67-306(3) & 67-409(2). To avoid inconsistency with the Constitution, LB 1437 must follow the requirements of the Constitution. Unfortunately, the parts of the bill which allow transfer between non-family members must be omitted, which effectively eliminates a significant part of the bill.

It should be noted that Neb. Const. art. XII, § 8(1)(A) allows corporations to transfer ownership interests between non-family stockholders. The "family farm or ranch corporation" exception to the general prohibition against corporate agricultural interests states:

Family farm or ranch corporation shall 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 . . .* related to one another within the fourth degree of kindred

Neb. Const. art. XII, § 8(1)(A)(Emphasis added).

A corporation would qualify as a "family farm or ranch corporation" if: a) it engaged in farming or ranching, or owned agricultural land; b) had stockholders who were related within the fourth degree of kindred holding 51% or more of the voting stock; and, c) had at least one of the majority interest stockholders residing upon the farm or ranch, or performing day-to-day labor and management upon the farm or ranch. An agreement wherein the senior stockholder was selling off his voting stock to a junior, and unrelated, minority stockholder, in exchange for the junior stockholders labors or investment upon the farm or ranch, would satisfy the "family farm or ranch corporation" requirements, so long as the junior and senior stockholders didn't each simultaneously hold 50% of the voting stock. The junior stockholder would ideally reach a majority interest in the farm or ranch at some point, making the senior stockholder the minority interest stockholder. This illustration provides a current method for non-family

transfers under Neb. Const. art. XII, § 8(1). The requirement that "all partners" or "all members" in an LP, LLC or LLP have an ownership interest in the farm or ranch disqualifies these entities from such a transfer between non-related partners/members. Neb. Const. art. XII, § 8(1), Neb. Rev. Stat. §§ 21,2602(2), 67-306(3) & 67-409(2).

IV. CONCLUSION

LB 1437 is intended to promote inter-generational transfers of agricultural property between non-family members. LB 1437 allows partners in a limited partnership, partners in a limited liability partnership, or members of a limited liability company to own agricultural land or engage in farming or ranching, even if those partners/members are not related in the fourth degree of kindred. Further, LB 1437 allows these members/partners to qualify themselves under this bill as the manager/operator of the mentioned entities by actively engaging in farming or ranching. The intent of Neb. Const. art. XII, § 8(1) appears to require that partners in the above types of partnerships, or members of a limited liability company, be related as family, and that at least one member or partner of these entities actively engage in the day-to-day labor and management of the entity's farm or ranch. LB 1437 is constitutionally suspect because of these differences.

A limited liability entity which fulfills the mentioned family-ownership, labor and management requirements in order to comply with both LB 1437 and Neb. Const. art. XII, § 8(1) cannot utilize significant parts of LB 1437. If the described partnerships and limited liability company complied with Neb. Const. art. XII, § 8(1), then sections of LB 1437's requirements are not allowable. Currently, a family-farm or ranch corporation can transfer agricultural interest in its assets between unrelated stockholders under Neb. Const. art. XII, § 8(1). The goal of inter-generational transfer appears to be possible under current statutes.

¹Kelley, Donald H. and Ludtke, David A., *Estate Planning for Farmers and Ranchers: A Guide to Family Businesses with Agricultural Holdings*, ¶ 5.06 (Shepard's/McGraw-Hill 1996, Supp. 1999).

²Neb. Rev. Stat. § 67-252; Kelley and Ludtke, *Estate Planning for Farmers and Ranchers: A Guide to Family Businesses with Agricultural Holdings*, ¶ 7.06.

³C. Bishop and D. Kleinberger, *Limited Liability Companies: Tax and Business Law*, ¶1.01(1) (1998).

⁴Cohen, David L., *Theories of the Corporation and the Limited Liability Company: How Should Courts and Legislatures Articulate Rules for Piercing the Veil, Fiduciary Responsibility and Securities Regulation for the Limited Liability Company?*, 1998 Oklahoma Law Review vol. 51, pg. 447.

⁵Kelley, Donald H. and Ludtke, David A., *Family Business Organizations*, ¶ 5:2 (Shepard's/McGraw-Hill 1996, Supp. 1999).

⁶Kelley and Ludtke, *Estate Planning for Farmers and Ranchers: A Guide to Family Businesses with Agricultural Holdings*, ¶ 5:3.

⁷Id. at ¶ 3:5.

⁸Id.

⁹Id. ¶ 3:5.

¹⁰Several states omit "day-to-day labor and management" as part of their requirements for members of a "family farm" entity: N.D. Cent. Code § 10-06.1-12(6) (1999); Mo. Rev. Stat. § 350.101(5) (1999); Minn. Stat. § 500.24(2)(c) (1999); Iowa Code Ann. § 9H.1(1) (West 1999); & Kan. Stat. Ann. § 17-5903(j)(3) (1999).

¹¹In *Hall v. Progress Pig, Inc.*, Case No. S-98-1190, the parties briefs contain detailed arguments regarding "day-to-day labor and management" for their March, 7, 2000 arguments before the Nebraska Supreme Court.

Sincerely,
 DON STENBERG
 Attorney General
 (Signed) William R. Barger
 Assistant Attorney General

pc: Patrick J. O'Donnell
 Clerk of the Legislature
 14-134-11.op

GENERAL FILE

LEGISLATIVE BILL 1018. Title read. Considered.

Senator Bromm renewed his pending amendment, AM2348, found on page 605.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CROSBY PRESIDING

Senators Brashear and Schmitt asked unanimous consent to be excused. No objections. So ordered.

Pending.

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.

State Emergency Response Commission
 Christine Bleich
 Kim Herald
 Steve Wood

VOTE: Aye: Senators Aguilar, Cudaback, Janssen 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 Emergency Response Commission
 Mark Reimers

VOTE: Aye: Senators Aguilar, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: Senators Cudaback and Janssen.

(Signed) DiAnna R. Schimek, Chairperson

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
 Lee Grove

VOTE: Aye: Senators Bruning, Hudkins, Jones, Kremer, Preister, and Schrock. Nay: None. Absent: Senators Bromm and Stuhr.

(Signed) Edward J. Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 1135:
 AM2395

(Amendments to Standing Committee amendment, AM2284)

- 1 1. Strike sections 7, 10, 11, 12, and 22.
- 2 2. On page 32, line 20, strike "79-1312,"; and strike
- 3 beginning with ", 71-155.01" in line 22 through "71-1,147.55," in

4 line 23.

5 3. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 715:
(Amendment, AM2404, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1368. Placed on General File as amended.
Standing Committee amendment to LB 1368:
AM2399

- 1 1. Insert the following new section:
- 2 "Section 1. Section 13-518, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 13-518. For purposes of sections 13-518 to 13-522:
- 5 (1) Allowable growth means (a) for governmental units
- 6 other than community colleges, the percentage increase in taxable
- 7 valuation in excess of the base limitation established under
- 8 section 77-3446, if any, due to improvements to real property as a
- 9 result of new construction, additions to existing buildings, any
- 10 improvements to real property which increase the value of such
- 11 property, and any increase in valuation due to annexation and any
- 12 personal property valuation over the prior year and (b) for
- 13 community colleges, the percentage increase in excess of the base
- 14 limitation, if any, in full-time equivalent students from the
- 15 second year to the first year preceding the year for which the
- 16 budget is being determined;
- 17 (2) Capital improvements means (a) acquisition of real
- 18 property or (b) acquisition, construction, or extension of any
- 19 improvements on real property;
- 20 (3) Governing body has the same meaning as in section
- 21 13-503;
- 22 (4) Governmental unit means every political subdivision
- 23 which has authority to levy a property tax or authority to request
- 24 levy authority under section 77-3443 except sanitary and
- 1 improvement districts which have ~~been in existence~~ levied a
- 2 property tax other than the bond tax levy for five years or less
- 3 and school districts;
- 4 (5) Qualified sinking fund means a fund or funds
- 5 maintained separately from the general fund to pay for acquisition
- 6 or replacement of tangible personal property with a useful life of
- 7 five years or more which is to be undertaken in the future but is
- 8 to be paid for in part or in total in advance using periodic
- 9 payments into the fund. The term includes sinking funds under
- 10 subdivision (13) of section 35-508 for firefighting and rescue
- 11 equipment or apparatus;
- 12 (6) Restricted funds means (a) property tax, excluding

13 any amounts refunded to taxpayers, (b) payments in lieu of property
 14 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)
 15 state aid, (f) transfers of surpluses from any user fee, permit
 16 fee, or regulatory fee if the fee surplus is transferred to fund a
 17 service or function not directly related to the fee and the costs
 18 of the activity funded from the fee, (g) any funds excluded from
 19 restricted funds for the prior year because they were budgeted for
 20 capital improvements but which were not spent and are not expected
 21 to be spent for capital improvements, and (h) any excess tax
 22 collections returned to the county under section 77-1776; and

23 (7) State aid means:

24 (a) For all governmental units, state aid paid pursuant
 25 to sections 60-305.15 and 77-3523;

26 (b) For municipalities, state aid to municipalities paid
 27 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,
 1 77-27,136, and 77-27,139.04 and insurance premium tax paid to
 2 municipalities;

3 (c) For counties, state aid to counties paid pursuant to
 4 sections 39-2501 to 39-2520, 47-119.01, 60-3001 to 60-3007,
 5 77-27,136, and 77-3618 and insurance premium tax paid to counties;

6 (d) For community colleges, state aid to community
 7 colleges paid under sections 85-1536 to 85-1537.01;

8 (e) For natural resources districts, state aid to natural
 9 resources districts paid pursuant to section 77-27,136; and

10 (f) For educational service units, state aid appropriated
 11 under section 79-1241."

12 2. On page 5, line 27, strike "section" and insert

13 "sections 13-518 and"; and in line 28 strike "is" and insert "are".

14 3. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 956. Placed on General File.

LEGISLATIVE BILL 1265. Placed on General File.

LEGISLATIVE BILL 1281. Placed on General File.

LEGISLATIVE RESOLUTION 294CA. Placed on General File.

LEGISLATIVE BILL 717. Placed on General File as amended.

Standing Committee amendment to LB 717:

AM2003

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

3 "Section 1. Section 81-15,191, Reissue Revised Statutes
 4 of Nebraska, is amended to read:

5 81-15,191. Sections 81-15,191 to 81-15,235 and sections

6 3 and 5 of this act shall be known and may be cited as the Nebraska

- 7 Emergency Planning and Community Right to Know Act.
8 Sec. 2. Section 81-15,193, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 81-15,193. For purposes of the Nebraska Emergency
11 Planning and Community Right to Know Act, the definitions found in
12 sections 81-15,194 to 81-15,209 and section 3 of this act apply.
13 Sec. 3. Hazardous material has the same meaning as in 49
14 C.F.R. 171.8.
15 Sec. 4. Section 81-15,214, Reissue Revised Statutes of
16 Nebraska, is amended to read:
17 81-15,214. (1) There is hereby created the Nebraska
18 Emergency Planning and Community Right to Know Cash Fund. The fund
19 may receive appropriations, gifts, bequests, grants, fees, or other
20 contributions or donations from public or private entities. The
21 fund shall be used to carry out the purposes of the Nebraska
22 Emergency Planning and Community Right to Know Act, including:
23 (a) The funding of planning requirements as approved by
24 the commission;
1 (b) The funding of specific projects as approved by the
2 commission; and
3 ~~(b)~~ (c) The payment of expenses incurred by the
4 commission to administer the fund. Payment from the fund for costs
5 of administering the fund shall not exceed fifteen percent of the
6 total receipts of the fund during the fiscal year. The commission
7 shall adopt and promulgate rules and regulations governing
8 allocations from the fund and shall publish guidelines regarding
9 allocations from the fund. Any money in the fund available for
10 investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.
13 (2) Entities receiving allocations from the Nebraska
14 Emergency Planning and Community Right to Know Cash Fund shall
15 expend the allocation in a manner expressly approved by the
16 commission. If allocations from the fund are used for purposes
17 other than those approved by the commission, the commission may
18 recover by appropriate legal means any funds spent inconsistent
19 with the terms of the allocation. Any recovered funds shall be
20 deposited in the fund.
21 Sec. 5. (1) The commission shall make allocations of the
22 appropriations received from the General Fund pursuant to this
23 section. The appropriations shall be allocated to local emergency
24 planning committees which are actively working to carry out their
25 powers and duties under the Nebraska Emergency Planning and
26 Community Right to Know Act as follows:
27 (a) One-fourth shall annually be distributed equally to
1 each qualifying local emergency planning committee; and
2 (b) Three-fourths shall annually be distributed to
3 qualifying local emergency planning committees based on the number

- 4 of facilities, highways, railroads, pipelines, and other structures
 5 reported in the emergency plan submitted by the committee in the
 6 previous year.
 7 (2) If the commission has designated two or more counties
 8 to join together to form a local emergency planning district, any
 9 funds distributed to such committees under subdivision (1)(a) or
 10 (b) of this section shall be transferred to the committee for the
 11 local emergency planning district.
 12 (3) The Nebraska Emergency Management Agency shall
 13 provide a detailed expenditure report to the commission and shall
 14 respond to all inquiries regarding expenditures.
 15 (4) It is the intent of the Legislature to appropriate
 16 one hundred fifty thousand dollars from the General Fund for
 17 FY2000-01, FY2001-02, and FY2002-03 to the Nebraska Emergency
 18 Planning and Community Right to Know Cash Fund for the State
 19 Emergency Response Commission.
 20 (5) This section terminates on July 1, 2003.
 21 Sec. 6. Original sections 81-15,191, 81-15,193, and
 22 81-15,214, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 1304. Placed on General File as amended.
 Standing Committee amendment to LB 1304:
 AM2388

- 1 1. On page 4, line 14, after "approval" insert "or
 2 denial".

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 1327. Placed on General File.
LEGISLATIVE BILL 1331. Placed on General File.

(Signed) Edward J. Schrock, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1146. Placed on General File as amended.
 Standing Committee amendment to LB 1146:
 AM2242

- 1 1. Strike original section 1 and insert the following
 2 new sections:
 3 "Sec. 3. Section 60-6,232, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 60-6,232. A rotating or flashing amber light or lights
 6 shall be displayed on the roof of any motor vehicle being operated
 7 by any rural mail carrier outside the corporate limits of any
 8 municipality in this state on or near any highway in the process of
 9 delivering mail.

10 A rotating or flashing amber light or lights may be
11 displayed on (1) any vehicle of the Military Department while on
12 any state emergency mission, (2) any motor vehicle being operated
13 by any public utility, vehicle service, or towing service or any
14 publicly or privately owned construction or maintenance vehicle
15 while performing its duties on or near any highway, (3) any motor
16 vehicle being operated by any member of the Civil Air Patrol, (4)
17 any pilot vehicle escorting an overdimensional load, or (5) any
18 vehicle while actually engaged in the moving of houses, buildings,
19 or other objects of extraordinary bulk, including unbaled livestock
20 forage as authorized by subdivision ~~(2)(g)~~ (2)(f) of section
21 60-6,288.

22 Sec. 5. Section 60-6,289, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-6,289. (1) No vehicle unladen or with load shall
1 exceed a height of fourteen feet, six inches, except:
2 (a) Combines or vehicles used in transporting combines,
3 to be engaged in harvesting within or without the state, moving
4 into or through the state during daylight hours when the overall
5 height does not exceed fifteen feet, six inches;
6 (b) Livestock forage vehicles with or without load that
7 comply with subsection (2) of section 60-6,305;
8 (c) Farm equipment or implements of husbandry being
9 driven, picked up, or delivered during daylight hours by farm
10 equipment dealers shall not exceed fifteen feet, six inches;
11 (d) A rubber-tired crane with a fixed load when the
12 requirements of subdivision ~~(2)(f)~~ (2)(i) of section 60-6,288 are
13 met; or
14 (e) Vehicles which have been issued a permit pursuant to
15 section 60-6,299.

16 (2) No person shall be required to raise, alter,
17 construct, or reconstruct any underpass, bridge, wire, or other
18 structure to permit the passage of any vehicle having a height,
19 unladen or with load, in excess of twelve feet, six inches. The
20 owners, lessees, and operators, jointly and severally, of vehicles
21 exceeding twelve feet, six inches, in height shall assume the risk
22 of loss to the vehicle or its load and shall be liable for any
23 damages that result to overhead obstructions from operation of a
24 vehicle exceeding twelve feet, six inches, in height.

25 Sec. 7. Section 60-6,294, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 60-6,294. (1) Every vehicle, whether operated singly or
1 in a combination of vehicles, and every combination of vehicles
2 shall comply with subsections (2) and (3) of this section except as
3 provided in sections 60-6,294.01 and 60-6,297. The limitations
4 imposed by this section shall be supplemental to all other
5 provisions imposing limitations upon the size and weight of
6 vehicles.
7 (2) No wheel of a vehicle or trailer equipped with

8 pneumatic or solid rubber tires shall carry a gross load in excess
 9 of ten thousand pounds on any highway nor shall any axle carry a
 10 gross load in excess of twenty thousand pounds on any highway. An
 11 axle load shall be defined as the total load transmitted to the
 12 highway by all wheels the centers of which may be included between
 13 two parallel transverse vertical planes forty inches apart
 14 extending across the full width of the vehicle.

15 (3) No group of two or more consecutive axles shall carry
 16 a load in pounds in excess of the value given in the following
 17 table corresponding to the distance in feet between the extreme
 18 axles of the group, measured longitudinally to the nearest foot,
 19 except that the maximum load carried on any group of two or more
 20 axles shall not exceed eighty thousand pounds on the National
 21 System of Interstate and Defense Highways unless the Director-State
 22 Engineer pursuant to section 60-6,295 authorizes a greater weight.

23 Distance in feet	Maximum load in pounds carried					
24 between the	on any group of two or more					
25 extremes of	consecutive axles.					
26 any group of						
27 two or more						
1 consecutive	Two	Three	Four	Five	Six	Seven
2 axles	Axles	Axles	Axles	Axles	Axles	Axles
3 4	34,000					
4 5	34,000					
5 6	34,000					
6 7	34,000					
7 8	34,000	42,000				
8 9	39,000	42,500				
9 10	40,000	43,500				
10 11		44,000				
11 12		45,000	50,000			
12 13		45,500	50,500			
13 14		46,500	51,500			
14 15		47,000	52,000			
15 16		48,000	52,500	58,000		
16 17		48,500	53,500	58,500		
17 18		49,500	54,000	59,000		
18 19		50,000	54,500	60,000		
19 20		51,000	55,500	60,500		
20 21		51,500	56,000	61,000		
21 22		52,500	56,500	61,500		
22 23		53,000	57,500	62,500		
23 24		54,000	58,000	63,000		
24 25		54,500	58,500	63,500	69,000	
25 26		55,500	59,500	64,000	69,500	
26 27		56,000	60,000	65,000	70,000	
27 28		57,000	60,500	65,500	71,000	
1 29		57,500	61,500	66,000	71,500	
2 30		58,500	62,000	66,500	72,000	

3	31	59,000	62,500	67,500	72,500	
4	32	60,000	63,500	68,000	73,000	
5	33		64,000	68,500	74,000	
6	34		64,500	69,000	74,500	
7	35		65,500	70,000	75,000	
8	36		66,000	70,500	75,500	
9	37		66,500	71,000	76,000	81,500
10	38		67,500	72,000	77,000	82,000
11	39		68,000	72,500	77,500	82,500
12	40		68,500	73,000	78,000	83,500
13	41		69,500	73,500	78,500	84,000
14	42		70,000	74,000	79,000	84,500
15	43		70,500	75,000	80,000	85,000
16	44		71,500	75,500	80,500	85,500
17	45		72,000	76,000	81,000	86,000
18	46		72,500	76,500	81,500	87,000
19	47		73,500	77,500	82,000	87,500
20	48		74,000	78,000	83,000	88,000
21	49		74,500	78,500	83,500	88,500
22	50		75,500	79,000	84,000	89,000
23	51		76,000	80,000	84,500	89,500
24	52		76,500	80,500	85,000	90,500
25	53		77,500	81,000	86,000	91,000
26	54		78,000	81,500	86,500	91,500
27	55		78,500	82,500	87,000	92,000
1	56		79,500	83,000	87,500	92,500
2	57		80,000	83,500	88,000	93,000
3	58			84,000	89,000	94,000
4	59			85,000	89,500	94,500
5	60			85,500	90,000	95,000

6 (4) The distance between axles shall be measured to the
7 nearest foot. When a fraction is exactly one-half foot, the next
8 larger whole number shall be used, except that:

9 (a) Any group of three axles shall be restricted to a
10 maximum load of thirty-four thousand pounds unless the distance
11 between the extremes of the first and third axles is at least
12 ninety-six inches in fact; and

13 (b) The maximum gross load on any group of two axles, the
14 distance between the extremes of which is more than eight feet but
15 less than eight feet six inches, shall be thirty-eight thousand
16 pounds.

17 (5) The limitations of subsections (2) through (4) of
18 this section shall apply as stated to all main, rural, and
19 intercity highways but shall not be construed as inhibiting heavier
20 axle loads in metropolitan areas, except on the National System of
21 Interstate and Defense Highways, if such loads are not prohibited
22 by city ordinance.

23 (6) The weight limitations of wheel and axle loads as
24 defined in subsections (2) through (4) of this section shall be

25 restricted to the extent deemed necessary by the Department of
26 Roads for a reasonable period when road subgrades or pavements are
27 weak or are materially weakened by climatic conditions.

1 (7) Two consecutive sets of tandem axles may carry a
2 gross load of thirty-four thousand pounds each when the overall
3 distance between the first and last axles of such consecutive sets
4 of tandem axles is thirty-six, thirty-seven, or thirty-eight feet
5 except as provided in section 60-6,297. Such vehicles shall be
6 subject to section 60-6,301.

7 (8) If any vehicle crosses a bridge with a total gross
8 load in excess of the posted capacity of such bridge and as a
9 result of such crossing any damage results to the bridge, the owner
10 of such vehicle shall be responsible for all of such damage.

11 (9) Vehicles equipped with a greater number of axles than
12 provided in the tables in subsection (3) of this section shall be
13 legal if they do not exceed the maximum load upon any wheel or
14 axle, the maximum load upon any group of two or more consecutive
15 axles, and the total gross weight, or any of such weights as
16 provided in subsections (2) and (3) of this section.

17 (10) Subsections (1) through (9) of this section shall
18 not apply to a vehicle which has been issued a permit pursuant to
19 section 60-6,299 or to a rubber-tired crane with a fixed load when
20 the requirements of subdivision ~~(2)(j)~~ (2)(i) of section 60-6,288
21 are met.

22 (11) Any two consecutive axles the centers of which are
23 more than forty inches and not more than ninety-six inches apart,
24 measured to the nearest inch between any two adjacent axles in the
25 series, shall be defined as tandem axles, and the gross weight
26 transmitted to the road surface through such series shall not
27 exceed thirty-four thousand pounds. No axle of the series shall
1 exceed the maximum weight permitted under this section for a single
2 axle.

3 (12) Dummy axles shall be disregarded in determining the
4 lawful weight of a vehicle or vehicle combination for operation on
5 the highway. Dummy axle shall mean an axle attached to a vehicle
6 or vehicle combination in a manner so that it does not articulate
7 or substantially equalize the load and does not carry at least the
8 lesser of eight thousand pounds or eight percent of the gross
9 weight of the vehicle or vehicle combination."

10 2. On page 5, line 3, reinstate "and adapted
11 exclusively"; and in lines 3 and 4 strike "and used primarily in".

12 3. On page 6, strike the new matter and reinstate the
13 stricken matter.

14 4. On page 7, line 1, strike the new matter; and strike
15 lines 19 through 28 and show the old matter as stricken.

16 5. On page 8, strike lines 1 through 5 and show as
17 stricken; in line 6, strike "(g)", show as stricken, and insert
18 "(f)"; in line 8 strike "(h)", show as stricken, and insert "(g)";
19 in line 12 strike "(i)", show as stricken, and insert "(h)"; and in

- 20 line 16 strike "(j)", show as stricken, and insert "(i)".
- 21 6. On page 9, line 10, strike "(k)", show as stricken,
22 and insert "(j)".
- 23 7. On page 10, line 18, after the stricken "combine"
24 insert "implements of husbandry", reinstate beginning with "to"
25 through "harvesting", and strike the new matter; and in line 19,
26 strike the new matter.
- 27 8. On page 12, line 4, strike "(2)(j)", show as
1 stricken, and insert "(2)(i)".
- 2 9. On page 19, strike lines 14 through 21 and insert
3 "(5) Any motor vehicle, semitrailer, or trailer carrying
4 grain or other seasonally harvested products may operate from the
5 field where such grain or products are harvested to storage,
6 market, or stockpile in the field or from stockpile to market or
7 factory up to seventy miles with a load that exceeds the maximum
8 load permitted by section 60-6.294 by fifteen percent on any tandem
9 axle, group of axles, and gross weight. The owner or a
10 representative of the owner of the agricultural product shall
11 furnish the driver of the loaded vehicle a signed statement of
12 origin and destination.".
- 13 10. On page 20, line 4, strike "60-6,288," and insert
14 "60-6,232, 60-6,288, 60-6,289,"; in line 5, after "60-6,290,"
15 insert "60-6,294,"; and strike beginning with "and" in line 6
16 through the comma in line 7.
- 17 11. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 628. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1018. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 812. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 994. No objections. So ordered.

Senator D. Pederson asked unanimous consent to have his name added as cointroducer to LB 1003. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 950. No objections. So ordered.

VISITORS

Visitors to the Chamber were Janet Hibbs from Hastings; and members of Leadership Development from Phelps and Kearney Counties.

The Doctor of the Day was Dr. Les Veskrna from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 15, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 15, 2000

PRAYER

The prayer was offered by Pastor Ed Millican, Havelock United Methodist Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Brashear, Brown, Dierks, Kiel, Landis, Lynch, Matzke, Robak, Schimek, Schmitt, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

**STANDING COMMITTEE REPORTS
Transportation and Telecommunications**

LEGISLATIVE BILL 1285. Placed on General File as amended.
(Standing Committee amendment, AM2358, 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 1240. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

**NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems**

LB 1104 Tuesday, February 22, 2000

12:00 p.m.

Tuesday, February 22, 2000
Public Employees Retirement Board
Rick Black
Daniel Contonis
Nebraska Investment Council
Greg Stine

12:00 p.m.

(Signed) Elaine R. Stuhr, Chairperson

ATTORNEY GENERAL'S OPINIONOpinion #00012

DATE: January 31, 2000

SUBJECT: LB 908-Unionization of Supreme Court Employees

REQUESTED BY: Senator John Hilgert
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Thomas J. Olsen, Assistant Attorney General

You have made a request for an opinion from the Office of the Attorney General on whether employees of the Supreme Court, specifically probation officers, can be members of a union and, in so doing, be represented in collective bargaining negotiations. Your correspondence indicates that you have introduced LB 908, which transfers the Office of Probation Administration from the Supreme Court to the Department of Correctional Services. Your correspondence further provides that if you were to receive a positive response from our office in connection with the aforementioned opinion request, your reason for introducing LB 908 would be negated. Our response to your request is set forth below.

DISCUSSION

Article XV, § 13 of the Nebraska Constitution provides that:

No person shall be denied employment because of membership in or affiliation with, or resignation or expulsion from a labor organization or because of refusal to join or affiliate with a labor organization; nor shall any individual or corporation or association of any kind enter into any contract, written or oral, to exclude persons from employment because of membership in or nonmembership in a labor organization.

This constitutional right is codified in Neb. Rev. Stat. § 48-217 (1998), which extends the protection to all employees, and Neb. Rev. Stat. §§ 48-801 to 48-838 (1998), referred to as the Industrial Relations Act, which

specifically protects the right of public employees to join or refrain from joining a union.

Of particular relevance is Neb. Rev. Stat. § 48-837 (1998), which guarantees that:

Public employees shall have the right to form, join, and participate in or to refrain from forming, joining, or participating in any employee organization of their own choosing. Public employees shall have the right to be represented by employee organizations to negotiate collectively with their public employers in the determination of their terms and conditions of employment and the administration of grievances arising thereunder.

This right of collective bargaining by state employees is further protected by the State Employees Collective Bargaining Act, Neb. Rev. Stat. §§ 81-1369 to 81-1390 (1999), which is deemed to be cumulative to the Industrial Relations Act. The State Employee Collective Bargaining Act provides that the State of Nebraska and its employees shall have all the rights and responsibilities afforded employers and employees pursuant to the Industrial Relations Act. *Id.* at § 81-1372.

The right to unionize is also protected by federal law pursuant to the National Labor Relations Act, 29 U.S.C. 141 to 187 (1998). Specifically, 29 U.S.C. 157 provides that employees shall have the right to join labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining, and shall equally have the right to refrain from such activities. *Id.*

Based on the foregoing, there is no question that employees of the State of Nebraska, which would presumably include court employees, have a constitutional and statutory right to become members of a union and, in so doing, be represented in collective bargaining negotiations. *Local Union No. 647 v. City of Grand Island*, 196 Neb. 693, 244 N.W.2d 515 (1976); *Mid Plains Education Assoc. v. Mid Plains Nebraska Technical College, North Platte*, 189 Neb. 37, 199 N.W.2d 747 (1972).

Although there is no Nebraska case law addressing the specific issue of whether court employees can become members of a union, thereby subjecting the court's employment practices to the jurisdiction of an executive agency, several other states have held that inferior court employees can unionize and subject said courts to executive agency jurisdiction.

In *Spokane County v. The State of Washington*, 136 Wash.2d 663, 966 P.2d 314 (1998), the Supreme Court of Washington held that the state's Public Employment Relations Commission ("PERC"), an executive branch agency, was empowered to resolve disputes concerning the interpretation of collective bargaining agreements between district court judges and the union

for their court employees. *Id.* at 671, 966 P.2d at 318. The district court judges argued that the PERC's purported jurisdiction over members of the judiciary violated the doctrine of separation of powers. The court noted that the primary purpose behind the doctrine was to ensure that the fundamental functions of each branch of government remain inviolate. In rejecting the district court judges' argument, the court noted that the separation of powers doctrine allows for some interplay between the branches of government and each branch must work with the other to effectively function. The court found that the role of the PERC did not usurp any of the inherent functions of the judiciary, and that the judiciary maintained the inherent power of judicial review of all the PERC's decisions. The court concluded by stating that it is sometimes possible to have an overlap of responsibility in governing the administrative aspect of court related functions. *Id.* at 672, 966 P.2d at 319.

Likewise, in *Teamsters Union Local 214 v. 60th District Court*, 417 Mich. 291, 335 N.W.2d 470 (1983), the Supreme Court of Michigan adopted and affirmed the opinion of the Court of Appeals, which held that the constitutional provision of separation of powers was not violated by the Michigan Employment Relation Commission's ("MERC") exercise of jurisdiction over the state's district courts and their employees. In rejecting the defendant's argument that the MERC did not possess jurisdiction to hear any claims with regard to the discharge of judicial personnel, the court held that the MERC's authority to adjudicate labor disputes between the district court and its employees did not encroach upon the constitutional inherent powers of the judiciary. *Id.* at 295, 335 N.W.2d at 471.

Similarly, the Supreme Court of Oregon has also held that the state's Employment Relations Board's jurisdiction over juvenile court judges and court counselors employed thereby, did not conflict with the separation of powers provision of the Oregon Constitution. *Circuit Court of Oregon, 15th Judicial District v. AFSCME Local 502-A*, 295 Or. 542, 669 P.2d 314 (1983).

Based on the foregoing, there is ample authority to support the proposition that court employees can become members of a union, and thereby be represented in collective bargaining negotiations. However, the same cannot be said with respect to the issue of whether Supreme Court employees can become members of a union, where said employees' affiliation with a union subjects the Supreme Court to the jurisdiction of an executive agency. Although not decided in the State of Nebraska, the specific issue of whether Supreme Court employees can become members of a union has been decided in both Michigan and Illinois.

The case *In re Michigan Employment Relations Commission*, 406 Mich. 647, 281 N.W.2d 299 (1979), specifically dealt with whether employees of the Michigan Supreme Court, and the Supreme Court itself, were subject to the collective bargaining dispute resolution agency, the Michigan Employee Relations Commission ("MERC"). Although the Court noted that

subjecting inferior courts and their employees to the jurisdiction of MERC was permissible, the same was not true for the Supreme Court and its employees. The Court held that the Michigan constitution did not, as a matter of interpretation or logic, authorize MERC to take jurisdiction over the Michigan Supreme Court. In support thereof, the Court held that:

If MERC has jurisdiction to determine cases with the Supreme Court as a party, then the Supreme Court might be in a position to appeal from the decision of MERC to the Court of Appeals, which again is an inferior tribunal to the Supreme Court. In short, MERC assuming jurisdiction over the Supreme Court puts everything upside down.

Id. at 651, 281 N.W.2d at 301. The Court further noted that if an administrative agency were to sit in judgment over the Supreme Court, the latter body would no longer be functioning as a Supreme Court, resulting in a serious erosion of the state's constitution and its system of government. *Id.*

Likewise, in *Administrative Office of the Illinois Courts v. State and Municipal Teamsters*, 167 Ill. 2d 180, 657 N.E.2d 972 (1995), the Illinois Supreme Court, agreeing with the Michigan Supreme Court's ruling issued 16 years earlier, held that the Court and its employees were not subject to the state's Labor Relations Board. The court noted that imposing the Illinois Public Labor Relations Act ("PLRA") requirements on the Supreme Court would be inconsistent with the Court's constitutionally based administrative and supervisory authority over the judicial system of the state. In making the PLRA applicable to employees of the Supreme Court, the Labor Relations Board would exercise adjudicative responsibility over the Supreme Court. The court found that:

The concerns expressed by the Supreme Court of Michigan are well founded. Requiring this court to appear in the administrative proceeding and submit to the agency's jurisdiction would place the State Board in the position of determining, on a continuing basis, employment matters affecting employees of this court. As we have stated, these intrusions on this court's constitutionally based judicial authority would violate the separation of powers doctrine. The problems we discern relate not to collective bargaining itself, but to the larger degree of control that would be exercised over this court by an agency of the executive branch.

Id. at 197, 657 N.E.2d at 983. Although we cannot speculate how the Nebraska Supreme Court would rule on the issue of whether its employees can unionize, and thereby subject the Court to the jurisdiction of an administrative agency, there is a reasonable probability that the Court would follow the decisions rendered by the Michigan and Illinois Supreme Courts.

The principle of separation of powers, similar to the provisions contain in the Michigan and Illinois Constitutions, is embodied in Article II, § 1 of the Nebraska Constitution. This constitutional provision 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.

The purpose of this constitutional provision 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 government is to be conducted. *State ex rel. Stenberg v. Murphy*, 247 Neb. 358 , 364, 527 N.W.2d 185, 192 (1995). This provision prohibits one branch of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives. *Id.*; *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991).

In addition to the inherent authority to adjudicate controversies between adverse parties, 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 matters of court procedures, to 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). Administrative authority over the courts are further governed by Neb. Const. art. V, § 1, which provides that "[I]n accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice."

Based on the principle of Supreme Court supremacy and the separation of powers doctrine, it is unlikely that the Nebraska Supreme Court would allow itself to be subjected to the jurisdiction of the Commission of Industrial Relations, even though the Commission has been found not to violate Neb. Const. art. II, § 1. *See Orleans Education Association v. School District of Orleans*, 193 Neb. 675, 229 N.W.2d 172 (1975) (the Supreme Court held that the statutes authorizing the Commission of Industrial Relations to oversee labor disputes was not an unconstitutional delegation of judicial power.) The confusion created by having inferior courts ruling over the highest court in the land could provide the Nebraska Supreme Court with a sufficient basis, in and of itself, to reject unionization of Supreme Court employees. As noted by the Supreme Court of Illinois, Supreme Court supremacy is a fundamental facet to any functioning judicial system. *Administrative Office of the Illinois Courts*, at 198, 657 N.E.2d at 983.

CONCLUSION

Although the right of state employees, including court employees, to participate in collective bargaining negotiations is unquestionable under state and federal law, Supreme Court supremacy and the separation of powers doctrine raise serious questions as to whether unionization of Supreme Court employees would be permissible. The only two cases on record adjudicating the rights of Supreme Court employees to unionize, thereby subjecting the Court to the jurisdiction of an administrative agency, held that these principles mandated the conclusion that said employees could not unionize.

Thus, we are unable to determine with a sufficient degree of certainty how the Nebraska Supreme Court would rule on the issue on whether Supreme Court employees can become members of a union, and in so doing, participate in collective bargaining negotiations. To avoid any uncertainty as to whether employees of the Supreme Court, specifically probation officers, can be members of a union, the prudent decision may well be to proceed with LB 908, which would transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services.

Sincerely,
DON STENBERG
Attorney General
(Signed) Thomas J. Olsen
Assistant Attorney General

pc: Patrick J. O'Donnell
Clerk of the Legislature
10-42-11

GENERAL FILE

LEGISLATIVE BILL 1018. The Bromm pending amendment, AM2348, found on page 605 and considered on page 672, was renewed.

SENATOR CUDABACK PRESIDING

Senators Vrtiska and Bruning asked unanimous consent to be excused until their return. No objections. So ordered.

Senator Chambers requested a division of the question on the Bromm amendment.

The Chair sustained the division of the question.

The first Bromm amendment is as follows:

FA289

1 1. On page 12, line 17, after the period insert "A

2 franchise agreement with a Nebraska licensed dealer which conforms
 3 to and is subject to sections 60-1401.01 to 60-1440 and this
 4 section is not control for purposes of this section."

Senator Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Bromm amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 652. Placed on Select File as amended.

E & R amendment to LB 652:

AM7193

- 1 1. Because of the reissue of Volume 5A, Reissue Revised
- 2 Statutes of Nebraska, in the Thompson amendment, AM2267, strike
- 3 sections 13, 15, 16, and 18 and insert the following new sections:
- 4 "Sec. 13. Section 83-905.01, Reissue Revised Statutes of
- 5 Nebraska, is amended to read:
- 6 ~~83-905.01. The Secure Youth Treatment Confinement~~
- 7 Facility Fund is created. The fund shall be used to finance
- 8 ~~construction of the Secure Youth Confinement Facility for the~~
- 9 administration of the secure youth treatment facility, except that
- 10 transfers from the fund to the Department of Correctional Health
- 11 and Human Services Facility Cash Fund may be made at the direction
- 12 of the Legislature. The fund shall be administered by the Director
- 13 of Correctional Services Office of Juvenile Services. Any money in
- 14 the fund available for investment shall be invested by the state
- 15 investment officer pursuant to the Nebraska Capital Expansion Act
- 16 and the Nebraska State Funds Investment Act. All funds in the
- 17 Secure Youth Confinement Facility Fund on the operative date of
- 18 this section shall be transferred to the Secure Youth Treatment
- 19 Facility Fund.
- 20 Sec. 15. Section 83-107.01, Reissue Revised Statutes of
- 21 Nebraska, is amended to read:
- 22 83-107.01. The official names of the state institutions
- 23 under the supervision of the Department of Health and Human
- 24 Services shall be as follows: (1) Beatrice State Developmental
- 1 Center, (2) Lincoln Regional Center, (3) Norfolk Regional Center,
- 2 (4) Hastings Regional Center, (5) Grand Island Veterans' Home, (6)
- 3 Norfolk Veterans' Home, (7) Thomas Fitzgerald Veterans' Home, (8)
- 4 Western Nebraska Veterans' Home, (9) Youth Rehabilitation and
- 5 Treatment Center-Kearney, and (10) Youth Rehabilitation and
- 6 Treatment Center-Geneva, and (11) Nebraska Secure Youth Treatment
- 7 Facility.

8 Sec. 16. Section 83-905, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 83-905. The Department of Correctional Services shall
 11 have oversight and general control of all state adult correctional
 12 institutions, ~~and the secure youth facility. The Secure Youth~~
 13 ~~Confinement Facility is a physically secure, coeducational facility~~
 14 ~~designed to provide secure confinement, education, and treatment~~
 15 ~~only for serious and chronic juvenile offenders who have been~~
 16 ~~committed to the Department of Correctional Services for secure~~
 17 ~~care.~~

18 Sec. 18. Original sections 43-251.01, 43-258, 43-284,
 19 43-286, 43-290, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408,
 20 43-416, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes
 21 of Nebraska, are repealed."

22 2. In the Thompson amendment, AM2267, on page 19, line
 23 17, after "~~and~~" insert "~~it~~".

24 3. On page 1, strike beginning with "section" in line 1
 25 through line 5 and insert "sections 43-251.01, 43-258, 43-284,
 26 43-286, 43-290, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408,
 27 43-416, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes
 1 of Nebraska; to change provisions relating to the placement and
 2 confinement of juveniles; to transfer and rename the secure youth
 3 confinement facility; to harmonize provisions; to provide operative
 4 dates; to repeal the original sections; and to declare an
 5 emergency."

LEGISLATIVE BILL 652A. Placed on Select File as amended.

E & R amendment to LB 652A:

AM7194

1 1. On page 1, line 3; and page 2, line 7, strike "First
 2 Session, 1999" and insert "Second Session, 2000".

LEGISLATIVE BILL 922. Placed on Select File as amended.

E & R amendment to LB 922:

AM7195

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section. 1. Section 24-301.02, Revised Statutes
 4 Supplement, 1998, is amended to read:
 5 24-301.02. The State of Nebraska shall be divided into
 6 the following twelve district court judicial districts:
 7 District No. 1 shall contain the counties of Saline,
 8 Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and
 9 Richardson;
 10 District No. 2 shall contain the counties of Sarpy, Cass,
 11 and Otoe;
 12 District No. 3 shall contain the county of Lancaster;
 13 District No. 4 shall contain the county of Douglas;
 14 District No. 5 shall contain the counties of Merrick,

- 15 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
16 and Saunders;
- 17 District No. 6 shall contain the counties of Dixon,
18 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;
- 19 District No. 7 shall contain the counties of Knox,
20 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;
- 21 District No. 8 shall contain the counties of Cherry, Keya
22 Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
23 Wheeler, Valley, Greeley, Sherman, and Howard;
- 24 District No. 9 shall contain the counties of Buffalo and
1 Hall;
- 2 District No. 10 shall contain the counties of Adams,
3 Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;
- 4 District No. 11 shall contain the counties of Hooker,
5 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
6 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
7 Furnas; and
- 8 District No. 12 shall contain the counties of Sioux,
9 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
10 Kimball, Cheyenne, Grant, and Deuel.
- 11 ~~Before July 1, 2000, in the fourth district there shall~~
12 ~~be fifteen judges of the district court, and on and after July 1,~~
13 ~~2000, in In the fourth district there shall be sixteen judges of~~
14 ~~the district court. In the third district there shall be seven~~
15 ~~judges of the district court. In the twelfth district there shall~~
16 ~~be five judges of the district court. In the second, and fifth,~~
17 ~~and eleventh districts there shall be four judges of the district~~
18 ~~court. In the first, sixth, and ninth, and eleventh districts~~
19 ~~there shall be three judges of the district court. In the seventh,~~
20 ~~eighth, and tenth districts there shall be two judges of the~~
21 ~~district court.~~
- 22 Sec. 2. Section 43-2,119, Reissue Revised Statutes of
23 Nebraska, is amended to read:
- 24 43-2,119. (1) The number of judges of the separate
25 juvenile court in counties which have established a separate
26 juvenile court shall be:
- 27 (a) Two judges in counties having seventy-five thousand
1 inhabitants but less than two hundred thousand inhabitants;
- 2 (b) ~~Before July 1, 1999, two~~ Three judges in counties
3 having at least two hundred thousand inhabitants but less than four
4 hundred thousand inhabitants; ~~and on and after July 1, 1999,~~
5 ~~three judges in such counties; and~~
- 6 (c) ~~Four~~ Five judges in counties having four hundred
7 thousand inhabitants or more.
- 8 (2) In counties having two or more judges of the separate
9 juvenile court, upon the swearing in of the second judge, the
10 senior judge in point of service as a juvenile court judge shall be
11 the presiding judge. The judges shall rotate the office of
12 presiding judge every three years unless the judges agree to

13 another system.

14 Sec. 3. This act becomes operative on July 1, 2000.

15 Sec. 4. Original section 43-2,119, Reissue Revised

16 Statutes of Nebraska, and section 24-301.02, Revised Statutes

17 Supplement, 1998, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect

19 when passed and approved according to law."

20 2. On page 1, strike beginning with "section" in line 1

21 through line 4 and insert "section 43-2,119, Reissue Revised

22 Statutes of Nebraska, and section 24-301.02, Revised Statutes

23 Supplement, 1998; to provide additional district court and juvenile

24 court judgeships; to provide an operative date; to repeal the

25 original sections; and to declare an emergency."

LEGISLATIVE BILL 1004. Placed on Select File as amended.

(E & R amendment, AM7197, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Correctly Engrossed

The following bills were correctly engrossed: LBs 204, 419, 438, 504, 510, 626, 654, 654A, and 701.

Enrollment and Review Change to LB 438

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

ER9115

1. On page 1, the matter beginning with "sections" in line 2 through line 7 and all amendments thereto have been struck and "sections 49-1447, 49-1453, 49-1463.01, 49-1466, and 49-14,123, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1458, Revised Statutes Supplement, 1999; to change provisions relating to committee treasurers, dissolution of committees, and late contributions; to require reports of late independent expenditures; to provide for a late filing fee and for the accrual of interest on late filing fees and civil penalties; to provide bonding requirements; to define and redefine terms; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 626

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

ER9114

1. In the Brashear amendment, AM2273, on page 1, line 13, "the" has been inserted after "with" and "or services" has been inserted after "goods".

2. On page 1, line 1, "trademarks" has been struck and "property rights; to amend section 25-2130, Reissue Revised Statutes of Nebraska" inserted; in line 2 "to change provisions relating to damages for willful trespass;" has been inserted after the semicolon; and in line 3 "to repeal the original section;" has been inserted after the semicolon.

3. On page 6, line 21, the second comma has been struck; and in line 23 after "thereto" an underscored comma has been inserted.

4. On page 11, line 8, "or" has been struck and "of" inserted.

5. On page 12, line 13, "or" has been inserted after the semicolon.

6. On page 16, line 11, "do" has been struck and "does" inserted.

Enrollment and Review Change to LB 654

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

ER9116

1. In the E & R amendments, AM7184:

a. On page 26, line 8, "is" has been struck and "shall be" inserted;

b. On page 45, line 23, an underscored comma has been inserted after "quantity"; and

c. On page 50, line 12, "58" has been struck and "57" inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1144. Placed on General File.

LEGISLATIVE BILL 708. Placed on General File as amended.

Standing Committee amendment to LB 708:

AM2301

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 29-1823, Revised Statutes
 4 Supplement, 1998, is amended to read:
 5 29-1823. (1) If at any time prior to trial it appears
 6 that the accused has become mentally incompetent to stand trial,
 7 such disability may be called to the attention of the district
 8 court by the county attorney, by the accused, or by any person for
 9 the accused. The judge of the district court of the county where
 10 the accused is to be tried shall have the authority to determine
 11 whether or not the accused is competent to stand trial. The
 12 district judge may also cause such medical, psychiatric, or
 13 psychological examination of the accused to be made as he or she
 14 deems warranted and hold such hearing as he or she deems necessary.
 15 The cost of the examination, when ordered by the court, shall be

16 the expense of the county in which the crime is charged. The
17 district judge may allow any physician, psychiatrist, or
18 psychologist a reasonable fee for his or her services, which
19 amount, when determined by the district judge, shall be certified
20 to the county board which shall cause payment to be made. Should
21 the district judge determine after a hearing that the accused is
22 mentally incompetent to stand trial and that there is a substantial
23 probability that the accused will become competent within the
24 foreseeable future, the district judge shall order the accused to
1 be committed to a state hospital for the mentally ill or some other
2 appropriate state-owned or state-operated facility for appropriate
3 treatment until such time as the disability may be removed. When
4 an order of commitment has been entered under this subsection, the
5 clerk of the district court shall immediately notify the Department
6 of Health and Human Services of the entry of such order. The
7 department shall take custody of the accused within forty-eight
8 hours after receiving such notice.

9 (2) Within six months after the commencement of the
10 treatment ordered by the district court, and every six months
11 thereafter until either the disability is removed or other
12 disposition of the accused has been made, the court shall hold a
13 hearing to determine (a) whether the accused is competent to stand
14 trial or (b) whether or not there is a substantial probability that
15 the accused will become competent within the foreseeable future.

16 (3) If it is determined that there is not a substantial
17 probability that the accused will become competent within the
18 foreseeable future, ~~then~~ the state shall either (a) commence the
19 applicable civil commitment proceeding that would be required to
20 commit any other person for an indefinite period of time or (b)
21 release the accused. If during the period of time between the
22 six-month review hearings set forth in subsection (2) of this
23 section it is the opinion of the Department of Health and Human
24 Services that the accused is competent to stand trial, the
25 department shall file a report outlining its opinion with the
26 court, and within twenty-one days after such report being filed,
27 the court shall hold a hearing to determine whether or not the
1 accused is competent to stand trial. The state shall pay the cost
2 of maintenance and care of the accused during the period of time
3 ordered by the court for treatment to remove the disability.

4 Sec. 2. Section 83-338, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 83-338. If at any time it shall become necessary, for
7 want of room or other cause, to discriminate in the general
8 reception of patients into the state hospitals for the mentally
9 ill, the selection shall be made as follows: (1) Patients whose
10 care in the state hospital is necessary in order to protect the
11 public health and safety; (2) patients who are most likely to be
12 benefited by treatment in the state hospitals, regardless of
13 whether such patients are committed by a county board of mental

14 health or whether such patients seek voluntary admission to one of
 15 the state hospitals; (3) patients shall next be admitted to the
 16 state hospitals in the order in which they are committed by the
 17 county boards of mental health or by the several district courts;
 18 and (4) when cases are equally meritorious, in all other respects,
 19 the indigent shall have preference. This section does not affect
 20 the duties of the Department of Health and Human Services as
 21 provided in sections 29-1823 and 83-1037.

22 Sec. 3. Section 83-1037, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 83-1037. If either the subject of the petition admits or
 25 the mental health board concludes from the evidence at the hearing
 26 that there is clear and convincing proof that the subject is a
 27 mentally ill dangerous person and that neither voluntary
 1 hospitalization nor other treatment alternatives less restrictive
 2 of the subject's liberty than a mental-health-board-ordered
 3 treatment disposition are available or would suffice to prevent the
 4 harm described in section 83-1009, the board shall so find and
 5 shall within forty-eight hours enter an order of final disposition
 6 providing for the treatment of the subject of the petition. The
 7 order of final disposition shall indicate whether the subject is a
 8 mentally ill dangerous person pursuant to either subdivision (1) or
 9 (2) of section 83-1009 or both. When a final order of disposition
 10 by the mental health board commits the subject into the custody of
 11 the Department of Health and Human Services, the clerk of the
 12 district court shall immediately notify the department of the entry
 13 of such order. The department shall take custody of the subject
 14 within forty-eight hours after receiving such notice.

15 Sec. 4. Original sections 83-338 and 83-1037, Reissue
 16 Revised Statutes of Nebraska, and section 29-1823, Revised Statutes
 17 Supplement, 1998, are repealed.

18 Sec. 5. Since an emergency exists, this act takes effect
 19 when passed and approved according to law."

LEGISLATIVE BILL 1023. Placed on General File as amended.
 Standing Committee amendment to LB 1023:
 AM2244

1 1. Strike section 4 and insert the following sections:
 2 "Section 1. Section 71-112, Revised Statutes Supplement,
 3 1999, is amended to read:
 4 71-112. The professional boards provided in section
 5 71-111 shall be designated as follows:
 6 (1) For medicine and surgery and osteopathic medicine and
 7 surgery, Board of Medicine and Surgery;
 8 (2) For athletic training, Board of Athletic Training;
 9 (3) For respiratory care, Board of Respiratory Care
 10 Practice;
 11 (4) For chiropractic, Board of Chiropractic;
 12 (5) For dentistry and dental hygiene, Board of Dentistry;

- 13 (6) For optometry, Board of Optometry;
 14 (7) For massage therapy, Board of Massage Therapy;
 15 (8) For physical therapy, Board of Physical Therapy;
 16 (9) For pharmacy, Board of Pharmacy;
 17 (10) For audiology and speech-language pathology, Board
 18 of Audiology and Speech-Language Pathology;
 19 (11) For medical nutrition therapy, Board of Medical
 20 Nutrition Therapy;
 21 (12) For funeral directing and embalming, Board of
 22 Funeral Directing and Embalming;
 23 (13) For podiatry, Board of Podiatry;
 24 (14) For psychology, Board of Psychologists;
 1 (15) For veterinary medicine and surgery, Board of
 2 Veterinary Medicine and Surgery; and
 3 (16) For mental health practice, Board of Mental Health
 4 Practice.

5 Any change made by the Legislature of the names of boards
 6 listed in this section shall not change the membership of such
 7 boards or affect the validity of any action taken by or the status
 8 of any action pending before any of such boards. Any such board
 9 newly named by the Legislature shall be the direct and only
 10 successor to the board as previously named.

11 Sec. 2. Section 71-1,152.01, Revised Statutes
 12 Supplement, 1999, is amended to read:

13 71-1,152.01. The purpose of the Board of Veterinary
 14 Medicine and Surgery is to: (1) Provide for the health, safety, and
 15 welfare of the citizens; (2) insure that veterinarians serving the
 16 public meet minimum standards of proficiency and competency; (3)
 17 insure that schools of veterinary medicine and surgery meet the
 18 educational needs of the students and qualify students to serve the
 19 public in a safe and efficient manner; and (4) control the field of
 20 veterinary medicine and surgery in the interest of consumer
 21 protection.

22 Sec. 3. Section 71-1,153, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 71-1,153. Sections 71-1,152.01 to ~~71-1,185~~ 71-1,163 and
 25 sections 5 and 6 of this act shall be known and may be cited as the
 26 Nebraska Veterinary Practice Act.

27 Sec. 4. Section 71-1,154, Revised Statutes Supplement,
 1 1999, is amended to read:

2 71-1,154. When used in the Nebraska Veterinary Practice
 3 Act and elsewhere in the Uniform Licensing Law, unless the context
 4 otherwise requires:

5 (1) Animal ~~shall mean~~ means any animal other than man and
 6 ~~shall include~~ includes birds, fish, and reptiles, wild or domestic,
 7 living or dead, except domestic poultry;

8 (2) Veterinary medicine and surgery ~~shall include~~
 9 includes veterinary surgery, obstetrics, dentistry, and all other
 10 branches or specialties of veterinary medicine;

11 (3) Practice of veterinary medicine and surgery ~~shall~~

12 ~~mean means~~:

13 (a) To diagnose, treat, correct, change, relieve, or
14 prevent animal disease, deformity, defect, injury, or other
15 physical or mental conditions, including the prescription or
16 administration of any drug, medicine, biologic, apparatus,
17 application, anesthetic, or other therapeutic or diagnostic
18 substance or technique, and the use of any manual or mechanical
19 procedure for testing for pregnancy, or for correcting sterility,
20 or infertility, or to render advice or recommendation with regard
21 to any of the above;

22 (b) To represent, directly or indirectly, publicly or
23 privately, an ability and willingness to do any act described in
24 subdivision (a) of this subdivision; and

25 (c) To use any title, words, abbreviation, or letters in
26 a manner or under circumstances which induce the belief that the
27 person using them is qualified to do any act described in
1 subdivision (a) of this subdivision;

2 (4) Veterinarian ~~shall mean means~~ a person who has
3 received a doctor's degree in veterinary medicine from an
4 accredited school of veterinary medicine or its equivalent;

5 (5) Licensed veterinarian ~~shall mean means~~ a person who
6 is validly and currently licensed to practice veterinary medicine
7 and surgery in this state;

8 (6) Accredited school of veterinary medicine within the
9 meaning of the Nebraska Veterinary Practice Act ~~shall mean means~~:

10 (a) One approved by the department upon the
11 recommendation of the board;

12 (b) A veterinary college or division of a university or
13 college that offers the degree of Doctor of Veterinary Medicine or
14 its equivalent; and

15 (c) One that conforms to the standards required for
16 accreditation by the American Veterinary Medical Association;

17 (7) Person ~~shall mean means~~ any individual, firm,
18 partnership, limited liability company, association, joint venture,
19 cooperative and corporation, or any other group or combination
20 acting in concert; and whether or not acting as a principal,
21 trustee, fiduciary, receiver, or as any other kind of legal or
22 personal representative, or as the successor in interest, assignee,
23 agent, factor, servant, employee, director, officer, or any other
24 representative of such person;

25 (8) Board ~~shall mean means~~ the Board of Veterinary
26 Medicine and Surgery; and

27 (9) Department ~~shall mean means~~ the Department of Health
1 and Human Services Regulation and Licensure;

2 (10) Veterinary technician means an individual who has
3 met one of the requirements of subsection (1) of section 5 of this
4 act;

5 (11) Licensed veterinary technician means a veterinary

6 technician who is validly and currently licensed as a veterinary
7 technician in this state. Only a licensed veterinary technician
8 may advertise or offer his or her services in a manner calculated
9 to lead others to believe that he or she is a veterinary
10 technician;

11 (12) Unlicensed assistant means an individual who is not
12 a veterinarian or a veterinary technician who is working in
13 veterinary medicine;

14 (13) Supervisor means a licensed veterinarian or licensed
15 veterinary technician as required by statute or rule or regulation
16 for the particular delegated task being performed by a veterinary
17 technician or unlicensed assistant;

18 (14) Immediate supervision means that the supervisor is
19 on the premises and is in direct eyesight and hearing range of the
20 animal and the veterinary technician or unlicensed assistant who is
21 treating the animal and the animal has been examined by a
22 veterinarian at such times as acceptable veterinary practice
23 requires consistent with the particular delegated animal health
24 care task;

25 (15) Direct supervision means that the supervisor is on
26 the premises and is available to the veterinary technician or
27 unlicensed assistant who is treating the animal and the animal has
1 been examined by a veterinarian at such times as acceptable
2 veterinary practice requires consistent with the particular
3 delegated animal health care task; and

4 (16) Indirect supervision means that the supervisor is
5 not on the premises but is easily accessible and has given written
6 or oral instructions for treatment of the animal and the animal has
7 been examined by a veterinarian at such times as acceptable
8 veterinary practice requires consistent with the particular
9 delegated animal health care task.

10 Sec. 5. (1) To be a veterinary technician in this state,
11 an individual shall meet one of the following requirements:
12 (a) Be a graduate of an American Veterinary Medical
13 Association approved veterinary technician program and receive a
14 passing score on the national exam for such program as determined
15 by the board;

16 (b) On the effective date of this act, be an approved
17 animal technician certified under sections 71-1,168 to 71-1,185 as
18 such sections existed prior to such date; or

19 (c) Have at least five years or more full-time experience
20 working with a veterinarian, be employed by a veterinarian on the
21 effective date of this act, and within three years after such date
22 receive a passing score on the national exam described in
23 subdivision (1)(a) of this section as determined by the board.

24 (2) To keep the license active, a licensed veterinary
25 technician shall earn credit for twenty-four hours of continuing
26 education every three years as approved by the board.

27 Sec. 6. The department shall adopt and promulgate rules

1 and regulations providing for (1) licensure of veterinary
 2 technicians meeting the requirements of section 5 of this act and
 3 (2) standards for the level of supervision required for particular
 4 delegated animal health care tasks and which determine which tasks
 5 may be performed by a veterinary technician and by unlicensed
 6 assistants. The level of supervision may be immediate, direct, or
 7 indirect as determined by the department based upon the complexity
 8 and requirements of the task.

9 Sec. 10. Original sections 71-1,153, 71-1,158, 71-1,160,
 10 and 71-1,161, Reissue Revised Statutes of Nebraska, and sections
 11 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement,
 12 1999, are repealed.

13 Sec. 11. The following sections are outright repealed:
 14 Sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178,
 15 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised
 16 Statutes of Nebraska, and section 71-1,171, Revised Statutes
 17 Supplement, 1999."

18 2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1141. Placed on General File as amended.
 Standing Committee amendment to LB 1141:
 AM2281

1 1. On page 5, line 6, strike the new matter and
 2 reinstate the stricken matter; and in line 7 reinstate the stricken
 3 "the school" and after the reinstated "school" insert an
 4 underscored semicolon.

LEGISLATIVE BILL 963. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1018. The second Bromm amendment is as follows:
 FA290

5 2. On page 15, line 23, strike "requires or allows" and
 6 insert "which does not take place in the State of Nebraska provides
 7 for".
 8 3. On page 17, line 5, strike "a" and insert "an
 9 existing".

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

The second Bromm amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bromm offered the following amendment:

AM2426

- 1 1. On page 15, line 25, strike "responsible" and insert
- 2 "jointly and severally liable"; and strike beginning with "shall"
- 3 in line 26 through the period in line 28 and insert "contracts with
- 4 the seller."
- 5 2. On page 16, line 3, strike "responsible" and insert
- 6 "liable"; and in line 4 strike "cannot" and insert "is not
- 7 authorized to".

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bromm amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA291

Amend AM2426

P. 16, line 4, after "all" insert "applicable"; and after "contracts" insert "with the seller".

Senators Janssen, Hilgert, Brashear, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 155. Placed on Select File as amended. (E & R amendment, AM7199, 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 1125. Placed on Select File as amended.

E & R amendment to LB 1125:

AM7198

- 1 1. On page 3, line 17, strike the comma.

LEGISLATIVE BILL 950. Placed on Select File as amended.

E & R amendment to LB 950:

AM7200

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 11 of this act shall be known

4 and may be cited as the Infant Hearing Act.

5 Sec. 2. (1) The Legislature finds that:

6 (a) Hearing loss occurs in newborns more frequently than
7 any other health condition for which newborn screening is required;

8 (b) Early detection of hearing loss in a child and early
9 intervention and treatment before six months of age has been
10 demonstrated to be highly effective in facilitating a child's
11 language, communication, and educational development;

12 (c) Children of all ages can receive reliable and valid
13 screening for hearing loss in a cost-effective manner; and

14 (d) Appropriate screening and identification of newborns
15 and infants with hearing loss will facilitate early intervention
16 and treatment in the critical time period for language development
17 and may serve the public purposes of promoting the healthy
18 development of children and reducing public expenditure for health
19 care, special education, and related services.

20 (2) The purpose of the Infant Hearing Act is:

21 (a) To provide early detection of hearing loss in
22 newborns at the birthing facility, or as soon after birth as
23 possible for those children born outside of a birthing facility, to
24 enable these children and their families and other caregivers to
1 obtain needed multidisciplinary evaluation, treatment, and
2 intervention services at the earliest opportunity and to prevent or
3 mitigate the developmental delays and academic failures associated
4 with late detection of hearing loss; and

5 (b) To provide the state with the information necessary
6 to effectively plan, establish, and evaluate a comprehensive system
7 for the identification of newborns and infants who have a hearing
8 loss.

9 Sec. 3. For purposes of the Infant Hearing Act:

10 (1) Birth admission means the time after birth that the
11 newborn remains in the hospital or other health care facility prior
12 to discharge;

13 (2) Birthing facility means a hospital or other health
14 care facility in this state which provides birthing and newborn
15 care services;

16 (3) Confirmatory testing facility means a hospital or
17 other health care facility in this state which provides followup
18 hearing tests;

19 (4) Infant means a child from thirty days through twelve
20 months old;

21 (5) Newborn means a child from birth through twenty-nine
22 days old; and

23 (6) Parent means a natural parent, stepparent, adoptive
24 parent, legal guardian, or other legal custodian of a child.

25 Sec. 4. The Legislature recognizes that it is necessary
26 to track newborns and infants identified with a potential hearing
27 loss or who have been evaluated and have been found to have a
1 hearing loss for a period of time in order to render appropriate

2 followup care. The Department of Health and Human Services shall,
3 on or before December 1, 2000, determine and implement the most
4 appropriate system for this state which is available to track
5 newborns and infants identified with a hearing loss. It is the
6 intent of the Legislature that the tracking system provide the
7 department and Legislature with the information necessary to
8 effectively plan and establish a comprehensive system of
9 developmentally appropriate services for newborns and infants who
10 have a potential hearing loss or who have been found to have a
11 hearing loss and shall reduce the likelihood of associated
12 disabling conditions for such newborns and infants.

13 Sec. 5. The Department of Health and Human Services
14 shall apply for all available federal funding to implement the
15 Infant Hearing Act.

16 Sec. 6. (1) Beginning December 1, 2000, and annually
17 thereafter, every birthing facility shall report to the Department
18 of Health and Human Services the number of:

19 (a) Newborns born;

20 (b) Newborns and infants recommended for a hearing
21 screening test;

22 (c) Newborns who received a hearing screening test during
23 birth admission;

24 (d) Newborns who passed a hearing screening test during
25 birth admission if administered;

26 (e) Newborns who did not pass a hearing screening test
27 during birth admission if administered; and

1 (f) Newborns recommended for monitoring, intervention,
2 and followup care.

3 (2) Beginning December 1, 2000, and annually thereafter,
4 every confirmatory testing facility shall report to the Department
5 of Health and Human Services the number of:

6 (a) Newborns and infants who return for a followup
7 hearing test;

8 (b) Newborns and infants who do not have a hearing loss
9 based upon the followup hearing test; and

10 (c) Newborns and infants who are shown to have a hearing
11 loss based upon the followup hearing test.

12 Sec. 7. (1) Beginning January 1, 2001, every birthing
13 facility shall educate the parents of newborns born in such
14 facilities of the importance of receiving a hearing screening test
15 and any necessary followup care. This educational information
16 shall explain, in lay terms, the hearing screening test, the
17 likelihood of the newborn having a hearing loss, followup
18 procedures, and community resources, including referral for early
19 intervention services under the Early Intervention Act. The
20 educational information shall also include a description of the
21 normal auditory, speech, and language developmental process in
22 children. Education shall not be considered a substitute for the
23 hearing screening test.

- 24 (2) If a newborn is not born in a birthing facility, the
25 Department of Health and Human Services shall educate the parents
26 of such newborns of the importance of receiving a hearing screening
27 test and any necessary followup care. The department shall also
1 give parents information to assist them in having the test
2 performed within three months after the date of the child's birth.
- 3 Sec. 8. (1) The Department of Health and Human Services
4 shall determine which birthing facilities are administering hearing
5 screening tests to newborns and infants on a voluntary basis and
6 the number of newborns and infants screened. The department shall
7 report to the Legislature by January 1, 2002, and annually
8 thereafter, the number of:
9 (a) Birthing facilities administering voluntary hearing
10 screening tests during birth admission;
11 (b) Newborns screened as compared to the total number of
12 newborns born in such facilities;
13 (c) Newborns who passed a hearing screening test during
14 birth admission if administered;
15 (d) Newborns who did not pass a hearing screening test
16 during birth admission if administered; and
17 (e) Newborns recommended for followup care.
- 18 (2) The department, in consultation with the State
19 Department of Education, birthing facilities, and other providers,
20 shall develop approved screening methods and protocol for statewide
21 hearing screening tests of substantially all newborns and infants
22 by December 1, 2002.
- 23 (3) Subject to available appropriations, the Department
24 of Health and Human Services shall make the report described in
25 this section available.
- 26 Sec. 9. (1) By December 1, 2003, each birthing facility
27 shall include a hearing screening test as part of its standard of
1 care for newborns and shall establish a mechanism for compliance
2 review. By December 1, 2003, a hearing screening test shall be
3 conducted on no fewer than ninety-five percent of the newborns born
4 in this state.
- 5 (2) If the number of newborns receiving a hearing
6 screening test does not equal or exceed ninety-five percent of the
7 total number of newborns born in this state on or before December
8 1, 2003, or falls below ninety-five percent at any time thereafter,
9 the Department of Health and Human Services shall immediately adopt
10 and promulgate rules and regulations implementing a hearing
11 screening program. The hearing screening program shall provide for
12 a hearing screening test that every newborn born in this state
13 shall undergo and shall provide that the hearing screening test be
14 completed during birth admission or, if that is not possible, no
15 later than three months after birth. Notwithstanding this section,
16 it is the goal of this state to achieve a one-hundred-percent
17 screening rate.
- 18 Sec. 10. The Department of Health and Human Services and

19 the State Department of Education shall establish guidelines for
20 when a referral shall be made for early intervention services under
21 the Early Intervention Act. The guidelines shall include a request
22 for an individual evaluation of a child suspected of being deaf or
23 hard of hearing as defined in section 79-1118.01.

24 Sec. 11. The Department of Health and Human Services
25 shall adopt and promulgate rules and regulations necessary to
26 implement the Infant Hearing Act.

27 Sec. 12. (1) The Department of Health and Human Services
1 shall provide payment for hearing screening tests for newborns and
2 infants through the medical assistance program if the child is
3 eligible for medical assistance as determined by state and federal
4 law.

5 (2) Any contract for the provision of medical assistance
6 negotiated with a managed care organization shall include payment
7 for hearing screening tests for newborns and infants.

8 Sec. 13. (1) Notwithstanding section 44-3,131:

9 (a) Under a health insurance plan which provides coverage
10 for hearing screening tests for newborns and infants, such coverage
11 shall be subject to copayment, coinsurance, deductible, and
12 dollar-limit provisions to the extent that other medical services
13 covered by the health insurance plan are subject to such
14 provisions; and

15 (b) This section applies to health insurance plans
16 delivered, issued for delivery, or which become effective on or
17 after the effective date of this act, and also applies to all
18 renewals or changes which are effective on or after the effective
19 date of this act.

20 (2) For purposes of this section, health insurance plan
21 means a plan which includes dependent coverage for children which
22 is delivered, issued for delivery, renewed, extended, or modified
23 in this state. A health insurance plan includes any such group or
24 individual sickness and accident insurance policy, health
25 maintenance organization contract, subscriber contract, employee
26 medical, surgical, or hospital care benefit plan, or self-funded
27 employee benefit plan to the extent not preempted by federal law.

1 Health insurance plan includes any policy, contract, or plan
2 offered or administered by the state or its political subdivisions.

3 Health insurance plan does not include policies providing coverage
4 for a specified disease, accident-only coverage, hospital indemnity
5 coverage, disability income coverage, medicare supplement coverage,
6 long-term care coverage, or other limited-benefit coverage.

7 (3) The Department of Insurance shall adopt and
8 promulgate rules and regulations necessary to implement this
9 section.

10 Sec. 14. Since an emergency exists, this act takes
11 effect when passed and approved according to law."

LEGISLATIVE BILL 950A. 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 951A. 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 951, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORT **Business and Labor**

LEGISLATIVE BILL 1363. Placed on General File.

(Signed) Floyd P. Vrtiska, Chairperson

VISITORS

Visitors to the Chamber were 28 high school students and teacher from Clarkson Public School; 19 members of Merrick County Leadership Tomorrow from Aurora; 70 seniors and teachers from Millard West High School, Omaha; Alice Wineman, Starr Lehl, Steve Whitaker, and John Fertig from Gering; Laurie Hilgenkamp from Arlington High School, Ashli Eickman from Wilber-Clatonia High School, and Zach Kippenbrock from Kearney High School; and Dr. Teresa Poorman and Lisa Poorman from Kearney.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 16, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 2000

PRAYER

The prayer was offered by Pastor Boyd Pelley, New Covenant Community Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator D. Pederson who was excused; and Senators Brashear, Brown, Coordsen, Dierks, Hartnett, Jensen, Kiel, Landis, Raikes, Robak, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

MESSAGES FROM THE GOVERNOR

February 15, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55, 151e, 288, 477, 523, 534e, 582, 658, and 788 were received in my office on February 10, 2000.

These bills were signed by me on February 15, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

February 15, 2000

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 729 without my signature and with my objections.

Last year, the Attorney General found a prior version of this legislation to be unconstitutional in several respects. *See* Op. Att'y Gen. No. 99-020 (May 4, 1999). In response to the concerns detailed in that opinion, the legislation was modified earlier this year. Remaining concerned that the bill, as amended, might not have cured the original problems identified by the Attorney General, I sought a subsequent opinion regarding the validity of the legislation. On February 14, 2000, the Attorney General issued an opinion finding that LB 729 remains constitutionally suspect for the following reasons: 1) the litigation structured in the bill would not present an actual "case or controversy" to the court and, thus, would place the courts in the position of issuing advisory opinions on challenged petitions; and 2) due to the potential for LB 729 to engender protracted litigation, the measure does not facilitate the initiative and referendum process. *See* Op. Att'y Gen. No. 00-011 (February 14, 2000); *Duggan v. Beermann*, 249 Neb. 411, 544 N.W. 2d 68 (1996); *State ex rel. Stenberg v. Beermann*, 240 Neb. 754, 485 N.W. 2d 151 (1992).

I commend the Legislature for your laudable attempt to further streamline procedures involved in the initiative and referendum process. I find, however, that the structure of the bill continues to be unconstitutional.

Sincerely,
(Signed) Mike Johanns
Governor

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 968. Placed on General File as amended.
(Standing Committee amendment, AM2432, 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

GENERAL FILE**LEGISLATIVE BILL 1018.** Considered.

Senators Dierks, Thompson, Byars, and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA292

P. 12, line 9, strike "a representative of the manufacturer or distributor" and insert "a factory representative or a distributor representative"

The Chambers amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Senator Chambers offered the following amendment:

FA293

P. 12, line 11, strike "or representative of the manufacturer or distributor"

The Chambers amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:

AM2442

1 1. On page 15, line 25, after the period insert "The
2 motor vehicle dealer may charge the seller for such service but
3 shall not charge the purchaser.".

The Beutler amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA294

P. 12, line 20, strike "franchisee"

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Beutler offered the following amendment:

AM2443

1 1. On page 19, line 10, after "community" insert "prior
2 to the finalization of negotiations for purchase of a vehicle".

Senator Raikes asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Bromm offered the following amendment:

FA295

Strike subsection (5) of Section 6 beginning on Line 26, Pg 18 thru Line 10, Pg 19.

The Bromm amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT Transportation and Telecommunications

The Transportation and Telecommunications 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 Transit and Rail Advisory Council

Allan Abbott
Ann Boyle
Duane Eitel
Roger Figard
Dave Gilfillan
Georgia Janssen
Paul Mullen
Michael Ongerth
Tom Wais
Dennis Wilson

VOTE: Aye: Senators Robak, Bromm, Dw. Pedersen, Thompson, Jones, Baker, Hudkins, and Byars. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 812A. 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 812, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1161A. 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 1161, Ninety-sixth Legislature, Second Session, 2000.

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 950A:
AM2438

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

3 "Section 1. There is hereby appropriated (1) \$92,276
4 from the General Fund for FY2000-01 and (2) \$78,905 from the
5 General Fund for FY2001-02 to the Department of Health and Human
6 Services, for Program 33, to aid in carrying out the provisions of
7 Legislative Bill 950, Ninety-sixth Legislature, Second Session,
8 2000.

9 Total expenditures for permanent and temporary salaries
10 and per diems from funds appropriated in this section shall not
11 exceed \$51,241 for FY2000-01 or \$54,210 for FY2001-02.

12 Sec. 2. There is hereby appropriated (1) \$103,960 from
13 the General Fund and \$159,531 from federal funds for FY2000-01 and
14 (2) \$115,077 from the General Fund and \$175,264 from federal funds
15 for FY2001-02 to the Department of Health and Human Services
16 Finance and Support, for Program 348, to aid in carrying out the
17 provisions of Legislative Bill 950, Ninety-sixth Legislature,
18 Second Session, 2000.

19 No expenditures for permanent and temporary salaries and
20 per diems for state employees shall be made from funds appropriated
21 in this section.

22 Sec. 3. There is hereby appropriated (1) \$100,000 from
23 federal funds for FY2000-01 and (2) \$25,000 from the General Fund
24 for FY2001-02 to the Department of Health and Human Services
1 Finance and Support, for Program 341, to aid in carrying out the
2 provisions of Legislative Bill 950, Ninety-sixth Legislature,
3 Second Session, 2000.

4 No expenditures for permanent and temporary salaries and
5 per diems for state employees shall be made from funds appropriated
6 in this section.

7 Sec. 4. Since an emergency exists, this act takes effect
8 when passed and approved according to law."

MESSAGE FROM THE GOVERNOR

February 16, 2000

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 410 was received in my office on February 10, 2000.

This bill was signed by me on February 16, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

NOTICE OF COMMITTEE HEARING
Health and Human Services

Wednesday, February 23, 2000
Health and Human Services System Partnership Council
Peter Tulipana
State Board of Health
Samuel Augustine

1:30 p.m.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENTS

Senator Janssen designates LB 1352 as his priority bill.

The General Affairs Committee designates LB 973 and LB 1086 as its priority bills.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1299. Placed on General File.

LEGISLATIVE BILL 1140. Placed on General File as amended.
Standing Committee amendment to LB 1140:
AM2302

- 1 1. On page 5, strike the old matter beginning with "add"
- 2 in line 11 through "Acceptable" in line 14, show as stricken, and
- 3 insert "administer approved medications by approved methods.
- 4 Approved"; and in line 15 after "and" insert "approved".

(Signed) Jim Jensen, Chairperson

Education

LEGISLATIVE BILL 1243. Placed on General File as amended.
Standing Committee amendment to LB 1243:
AM2446

1 1. Insert the following new sections:

2 "Section 1. The Department of Health and Human Services
3 and the State Department of Education shall jointly establish rates
4 for reimbursements for the educational services provided to state
5 wards in institutions which maintain special education programs
6 which have been approved by the State Department of Education
7 pursuant to section 79-215. Initial rates shall be established
8 prior to August 1, 2000. The rates shall be reviewed and modified
9 prior to December 31, 2000, prior to July 1, 2001, and annually
10 prior to each July 1, thereafter. The rate-setting process shall
11 include a public hearing on the proposed rates. The Department of
12 Health and Human Services and the State Department of Education
13 shall jointly adopt and promulgate rules and regulations to carry
14 out this section.

15 Sec. 2. Section 79-215, Revised Statutes Supplement,
16 1998, is amended to read:

17 79-215. (1) A school board or ~~board of education~~ may
18 admit nonresident ~~pupils~~ students to the school district, may
19 determine the rate of tuition of the ~~pupils~~ students, and shall
20 collect such tuition in advance except as otherwise provided in
21 this section.

22 (2) When the ~~pupil~~ student as a ward of the state or as a
23 ward of any court (a) has been placed in a school district other
24 than the district in which he or she resided at the time he or she
1 became a ward and such ward does not reside in a foster family home
2 licensed or approved by the Department of Health and Human Services
3 or a foster home maintained or used by the ~~Department of~~
4 ~~Correctional Services~~ pursuant to section 83-108.04 or (b) has been
5 placed in any institution which maintains a special education
6 program which has been approved by the State Department of
7 Education and such institution is not owned or operated by the
8 pupil's resident school district, the cost of his or her education
9 and the required transportation costs associated with the child's
10 education shall be paid by the state, but not in advance, to the
11 receiving school district or approved institution under rules and
12 regulations prescribed by the Department of Health and Human
13 Services and the State Department of Education pursuant to section
14 1 of this act. Any ~~pupil~~ student who is a ward of the state or a
15 ward of any court who resides in a foster family home licensed or
16 approved by the Department of Health and Human Services or a foster
17 home maintained or used by the ~~Department of Correctional Services~~
18 pursuant to section 83-108.04 shall be deemed a resident of the
19 district in which the foster family home or foster home is located.

20 (3) In the case of any individual eighteen years of age

21 or younger who is a ward of the state or any court and who is
 22 placed in a county detention home established under section
 23 43-2,110, the cost of his or her education shall be paid by the
 24 state, regardless of such individual's district of residency, to
 25 the agency or institution which: (a) Is selected by the county
 26 board with jurisdiction over such detention home; (b) has agreed or
 27 contracted with such county board to provide educational services;
 1 and (c) has been approved by the State Department of Education
 2 pursuant to rules and regulations prescribed by the State Board of
 3 Education.

4 (4) No tuition shall be charged for children who may be
 5 by law allowed to attend the school without charge. The school
 6 district in which the parent or guardian of any nonresident ~~pupil~~
 7 student maintains his or her legal residence shall not be liable
 8 for the payment of tuition and the children of school age of such
 9 parent or guardian shall be entitled to free common school
 10 privileges the same as any child who is a bona fide resident of
 11 such school district whenever the parent or guardian of such
 12 nonresident ~~pupil~~ student, having entered the public service of the
 13 State of Nebraska, has moved from the school district in which he
 14 or she maintains legal residence into another school district for
 15 temporary purposes incidental to serving the state, without the
 16 intention of making the school district to which the parent or
 17 guardian has moved his or her legal residence. No tuition shall be
 18 charged for a child whose parents are divorced if such child
 19 attends school in a district in which either parent resides. The
 20 burden of proof as to legal residence shall rest with the person
 21 claiming legal residence in any district. The school district may
 22 allow a ~~pupil~~ student whose residency in the district ceases during
 23 a school year to continue attending school for the remainder of
 24 that school year without payment of tuition.

25 (5) The school board ~~or board of education~~ may admit
 26 nonresident ~~pupils~~ students to the school district without
 27 requiring the payment of tuition if such ~~pupils~~ students are in the
 1 actual physical custody of a resident of the school district and
 2 are not residents of an adjoining school district and the board
 3 determines that the ~~pupils~~ students would otherwise be denied
 4 guaranteed free common school privileges.

5 (6) ~~The changes made to this section by Laws 1992, LB 3,~~
 6 ~~Ninety-second Legislature, Third Special Session, shall apply to~~
 7 ~~all reimbursements under this section for school year 1992-93 and~~
 8 ~~all school years thereafter."~~

9 2. On page 2, strike beginning with "legal" in line 12
 10 through the first comma in line 14; and in line 25 strike "section"
 11 and insert "sections 79-215 and".

12 3. Renumber the remaining sections accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1436. Title read. Considered.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Lynch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM2365, found on page 637, was considered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 922A. Introduced by Cudaback, 36; Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 922, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

ANNOUNCEMENTS

Senator Kristensen designates LB 1067 as his priority bill.

Senator Crosby designates LB 1253 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1436. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 1078. No objections. So ordered.

VISITORS

Visitors to the Chamber were Frank Balderson from Scottsbluff, Lorraine Giles from Omaha, and Maryanne Paulger from Fremont; Pam, Amber, and T. J. Nicholson, Kristin, Mike, and Grant Garrison from Papillion; Judge J. Patrick Mullen of District Court #4; 20 seniors and teacher from Nebraska

Christian School, Central City; and members of Leadership Tomorrow from Grand Island and Hastings.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 17, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 17, 2000

PRAYER

The prayer was offered by Pastor Donald Morton, United Methodist Church, Culbertson, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:02 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bourne, Lynch, Matzke, D. Pederson, Preister, and Robak who were excused; and Senators Bromm, Brown, Hartnett, Kiel, Landis, and Raikes who were excused until they arrive.

PRESIDENT MAURSTAD PRESIDING**CORRECTIONS FOR THE JOURNAL**

Page 708, strike line 21, and add Dr. Teresa Poorman to the visitors.
The Journal for the twenty-seventh day was approved as corrected.
The Journal for the twenty-eighth day was approved.

ANNOUNCEMENTS

Senator Jones designates LB 171 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB 803 as its priority bill.

Senator Thompson designates LB 1167 as her priority bill.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1197. Placed on General File as amended.
 Standing Committee amendment to LB 1197:

AM2328

- 1 1. On page 2, strike lines 15 through 18 and insert
- 2 "(a) The existence of a trust and, for an inter vivos
- 3 trust, the date of execution or, for a testamentary trust, the date
- 4 of death of the decedent;
- 5 (b) The identity of the grantor, settlor, or testator and
- 6 each currently acting trustee;".
- 7 2. On page 3, line 2, strike "settlor" and insert
- 8 "grantor, settlor, or testator".

LEGISLATIVE BILL 1207. Indefinitely postponed.

LEGISLATIVE BILL 1250. Indefinitely postponed.

LEGISLATIVE BILL 1437. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Education

LEGISLATIVE BILL 1213. Placed on General File as amended.
 Standing Committee amendment to LB 1213:

AM2305

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-3442, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 77-3442. (1) Property tax levies for the support of
- 5 local governments for fiscal years beginning on or after July 1,
- 6 1998, shall be limited to the amounts set forth in this section
- 7 except as provided in section 77-3444.
- 8 (2)(a) Except as provided in subdivision (2)(b) of this
- 9 section, school districts and multiple-district school systems may
- 10 levy a maximum levy of (i) one dollar and ten cents per one hundred
- 11 dollars of taxable valuation of property subject to the levy until
- 12 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of
- 13 taxable valuation of property subject to the levy for fiscal year
- 14 2001-02 and all subsequent fiscal years. Excluded from this
- 15 limitation are amounts levied to pay for sums agreed to be paid by
- 16 a school district to certificated employees in exchange for a
- 17 voluntary termination of employment and amounts levied to pay for
- 18 special building funds and sinking funds established for projects
- 19 commenced prior to April 1, 1996, for construction, expansion, or
- 20 alteration of school district buildings. For purposes of this
- 21 subsection, commenced means any action taken by the school board on
- 22 the record which commits the board to expend district funds in
- 23 planning, constructing, or carrying out the project.

- 24 (b) Federal aid school districts may exceed the maximum
1 levy prescribed by subdivision (2)(a) of this section only to the
2 extent necessary to qualify to receive federal aid pursuant to
3 Title VIII of Public Law 103-382. For purposes of this
4 subdivision, federal aid school district means any school district
5 which receives ten percent or more of the revenue for its general
6 fund budget from federal government sources pursuant to Title VIII
7 of Public Law 103-382.
- 8 (3) Community colleges may levy a maximum levy on each
9 one hundred dollars of taxable property subject to the levy of (a)
10 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
11 (b) seven cents for fiscal year 2000-01 and each fiscal year
12 thereafter.
- 13 (4) Natural resources districts may levy a maximum levy
14 of four and one-half cents per one hundred dollars of taxable
15 valuation of property subject to the levy.
- 16 (5) Educational service units may levy a maximum levy of
17 one and one-half cents per one hundred dollars of taxable valuation
18 of property subject to the levy.
- 19 (6) Incorporated cities and villages may levy a maximum
20 levy of forty-five cents per one hundred dollars of taxable
21 valuation of property subject to the levy plus an additional five
22 cents per one hundred dollars of taxable valuation to provide
23 financing for the municipality's share of revenue required under an
24 agreement or agreements executed pursuant to the Interlocal
25 Cooperation Act or the Joint Public Agency Act. The maximum levy
26 shall include amounts levied to pay for sums to support a library
27 pursuant to section 51-201, museum pursuant to section 51-501,
1 visiting community nurse, home health nurse, or home health agency
2 pursuant to section 71-1637, or statue, memorial, or monument
3 pursuant to section 80-202.
- 4 (7) Sanitary and improvement districts which have been in
5 existence for more than five years may levy a maximum levy of forty
6 cents per one hundred dollars of taxable valuation of property
7 subject to the levy, and sanitary and improvement districts which
8 have been in existence for five years or less shall not have a
9 maximum levy.
- 10 (8) Counties may levy or authorize a maximum levy of
11 fifty cents per one hundred dollars of taxable valuation of
12 property subject to the levy, except that five cents per one
13 hundred dollars of taxable valuation of property subject to the
14 levy may only be levied to provide financing for the county's share
15 of revenue required under an agreement or agreements executed
16 pursuant to the Interlocal Cooperation Act or the Joint Public
17 Agency Act. The maximum levy shall include amounts levied to pay
18 for sums to support a library pursuant to section 51-201 or museum
19 pursuant to section 51-501. The county may allocate up to fifteen
20 cents of its authority to other political subdivisions subject to
21 allocation of property tax authority under subsection (1) of

22 section 77-3443 and not specifically covered in this section to
23 levy taxes as authorized by law which do not collectively exceed
24 fifteen cents per one hundred dollars of taxable valuation on any
25 parcel or item of taxable property. The county may allocate to one
26 or more other political subdivisions subject to allocation of
27 property tax authority by the county under subsection (1) of
1 section 77-3443 some or all of the county's five cents per one
2 hundred dollars of valuation authorized for support of an agreement
3 or agreements to be levied by the political subdivision for the
4 purpose of supporting that political subdivision's share of revenue
5 required under an agreement or agreements executed pursuant to the
6 Interlocal Cooperation Act or the Joint Public Agency Act. If an
7 allocation by a county would cause another county to exceed its
8 levy authority under this section, the second county may exceed the
9 levy authority in order to levy the amount allocated.

10 (9) Property tax levies for judgments obtained against a
11 political subdivision which require or obligate a political
12 subdivision to pay such judgment, to the extent such judgment is
13 not paid by liability insurance coverage of a political
14 subdivision, for preexisting lease-purchase contracts approved
15 prior to July 1, 1998, for bonded indebtedness approved according
16 to law and secured by a levy on property, and for payments by a
17 public airport to retire interest-free loans from the Department of
18 Aeronautics in lieu of bonded indebtedness at a lower cost to the
19 public airport are not included in the levy limits established by
20 this section.

21 (10) The limitations on tax levies provided in this
22 section are to include all other general or special levies provided
23 by law. Notwithstanding other provisions of law, the only
24 exceptions to the limits in this section are those provided by or
25 authorized by sections 77-3442 to 77-3444.

26 (11) Tax levies in excess of the limitations in this
27 section shall be considered unauthorized levies under section
1 77-1606 unless approved under section 77-3444.

2 (12) For purposes of sections 77-3442 to 77-3444,
3 political subdivision means a political subdivision of this state
4 and a county agricultural society, and a multiple-district school
5 system is a single political subdivision with multiple governing
6 bodies.

7 Sec. 3. Section 77-3444, Revised Statutes Supplement,
8 1999, is amended to read:

9 77-3444. (1) A political subdivision, ~~other than a Class~~
10 ~~1 school district~~, may exceed the limits provided in section
11 77-3442 or a final levy allocation determination as provided in
12 section 77-3443 by an amount not to exceed a maximum levy approved
13 by a majority of registered voters voting on the issue in a
14 primary, general, or special election at which the issue is placed
15 before the registered voters. A vote to exceed the limits provided
16 in section 77-3442 or a final levy allocation as provided in

17 section 77-3443 must be approved prior to October 10 of the fiscal
18 year which is to be the first to exceed the limits or final levy
19 allocation. The governing body of the political subdivision may
20 call for the submission of the issue to the voters (a) by passing a
21 resolution calling for exceeding the limits or final levy
22 allocation by a vote of at least two-thirds of the members of the
23 governing body and delivering a copy of the resolution to the
24 county clerk or election commissioner of every county which
25 contains all or part of the political subdivision or (b) upon
26 receipt of a petition by the county clerk or election commissioner
27 of every county containing all or part of the political subdivision
1 requesting an election signed by at least five percent of the
2 registered voters residing in the political subdivision. The
3 resolution or petition shall include the amount of levy which would
4 be imposed in excess of the limits provided in section 77-3442 or
5 the final levy allocation as provided in section 77-3443 and the
6 duration of the excess levy authority. The excess levy authority
7 shall not have a duration greater than five years. Any resolution
8 or petition calling for a special election shall be filed with the
9 county clerk or election commissioner no later than thirty days
10 prior to the date of the election, and the time of publication and
11 providing a copy of the notice of election required in section
12 32-802 shall be no later than twenty days prior to the election.
13 The county clerk or election commissioner shall place the issue on
14 the ballot at an election as called for in the resolution or
15 petition which is at least thirty days after receipt of the
16 resolution or petition. The election shall be held pursuant to the
17 Election Act. For petitions filed with the county clerk or
18 election commissioner on or after May 1, 1998, the petition shall
19 be in the form as provided in sections 32-628 to 32-631. Any
20 excess levy authority approved under this section shall terminate
21 pursuant to its terms, on a vote of the governing body of the
22 political subdivision which called for submission of the issue to
23 the voters to terminate the authority to levy more than the limits,
24 at the end of the fourth fiscal year following the first year in
25 which the levy exceeded the limit or the final levy allocation, or
26 as provided in subsection (5) of this section, whichever is
27 earliest. A governing body may pass no more than one resolution
1 calling for an election pursuant to this section during any one
2 calendar year. Only one election may be held in any one calendar
3 year pursuant to a petition initiated under this section.
4 (2) The ballot question may include any terms and
5 conditions set forth in the resolution or petition and shall
6 include the following: "Shall (name of political subdivision) be
7 allowed to levy a property tax not to exceed cents per
8 one hundred dollars of taxable valuation in excess of the limits
9 prescribed by law until fiscal year for the purposes
10 of (general operations; building construction, remodeling, or site
11 acquisition; or both general operations and building construction,

12 remodeling, or site acquisition)?" If a majority of the votes
13 cast upon the ballot question are in favor of such tax, the county
14 board shall authorize a tax in excess of the limits in section
15 77-3442 or the final levy allocation in section 77-3443 but such
16 tax shall not exceed the amount stated in the ballot question. If
17 a majority of those voting on the ballot question are opposed to
18 such tax, the governing body of the political subdivision shall not
19 impose such tax.

20 (3) The county clerk or election commissioner may set a
21 uniform date for a special election to be held before October 10,
22 1998, to submit the issue of exceeding the limits provided in
23 section 77-3442 or the final levy allocation as provided in section
24 77-3443 to the voters of political subdivisions in the county
25 seeking additional levy authority. Any political subdivision may
26 individually or in conjunction with one or more other political
27 subdivisions conduct a special election on a date different from
1 that set by the county clerk or election commissioner, except that
2 a governing body shall pass a resolution calling for a special
3 election for this purpose and deliver a copy of the resolution to
4 the county clerk or election commissioner no later than thirty days
5 prior to the date of the election.

6 (4) In lieu of the election procedures in subsection (1)
7 of this section, any political subdivision subject to section
8 77-3443; ~~other than a Class I school district~~, and villages may
9 approve a levy in excess of the limits in section 77-3442 or the
10 final levy allocation provided in section 77-3443 for a period of
11 one year at a meeting of the residents of the political subdivision
12 or village, called after notice is published in a newspaper of
13 general circulation in the political subdivision or village at
14 least twenty days prior to the meeting. At least ten percent of
15 the registered voters residing in the political subdivision or
16 village shall constitute a quorum for purposes of taking action to
17 exceed the limits or final levy allocation. If a majority of the
18 registered voters present at the meeting vote in favor of exceeding
19 the limits or final levy allocation, a copy of the record of that
20 action shall be forwarded to the county board prior to October 10
21 and the county board shall authorize a levy as approved by the
22 residents for the year. If a majority of the registered voters
23 present at the meeting vote against exceeding the limits or final
24 allocation, the limit or allocation shall not be exceeded and the
25 political subdivision shall have no power to call for an election
26 under subsection (1) of this section.

27 (5) A political subdivision; ~~other than a Class I school~~
1 ~~district~~, may rescind or modify a previously approved excess levy
2 authority prior to its expiration by a majority of registered
3 voters voting on the issue in a primary, general, or special
4 election at which the issue is placed before the registered voters.
5 A vote to rescind or modify must be approved prior to October 10 of
6 the fiscal year for which it is to be effective. The governing

7 body of the political subdivision may call for the submission of
8 the issue to the voters (a) by passing a resolution calling for the
9 rescission or modification by a vote of at least two-thirds of the
10 members of the governing body and delivering a copy of the
11 resolution to the county clerk or election commissioner of every
12 county which contains all or part of the political subdivision or
13 (b) upon receipt of a petition by the county clerk or election
14 commissioner of every county containing all or part of the
15 political subdivision requesting an election signed by at least
16 five percent of the registered voters residing in the political
17 subdivision. The resolution or petition shall include the amount
18 and the duration of the previously approved excess levy authority
19 and a statement that either such excess levy authority will be
20 rescinded or such excess levy authority will be modified. If the
21 excess levy authority will be modified, the amount and duration of
22 such modification shall be stated. The modification shall not have
23 a duration greater than five years. The county clerk or election
24 commissioner shall place the issue on the ballot at an election as
25 called for in the resolution or petition which is at least thirty
26 days after receipt of the resolution or petition, and the time of
27 publication and providing a copy of the notice of election required
1 in section 32-802 shall be no later than twenty days prior to the
2 election. The election shall be held pursuant to the Election Act.
3 (6) For purposes of this section, when the political
4 subdivision is a sanitary and improvement district, registered
5 voter means a person qualified to vote as provided in section
6 31-735. Any election conducted under this section for a sanitary
7 and improvement district shall be conducted and counted as provided
8 in sections 31-735 to 31-735.06.
9 (7) For purposes of this section, when the political
10 subdivision is a school district or a multiple-district school
11 system, registered voter includes both (a) persons qualified to
12 vote for the members of the school board of the school district
13 ~~which is voting to exceed the maximum levy limits pursuant to this~~
14 ~~section and (b) persons in those portions of any Class I district~~
15 ~~which are affiliated with or a part of the school district which is~~
16 ~~voting pursuant to this section multiple-district school system, if~~
17 such voter is also qualified to vote for the school board of the
18 affected Class I school district."
19 2. On page 18, line 18, after the third comma insert
20 "77-3442, 77-3444,".
21 3. Renumber the remaining sections and correct internal
22 references accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 16,

2000, 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

Blankenau, Don – Lincoln; Carsdirect.Com
Bukar, Nancy – Washington; Consumer Healthcare Products Association
Corn, Robert – Omaha; Mutual of Omaha Companies
Karnes, David – Omaha; Carsdirect.Com
Kissel, Gordon – Lincoln; Professional Engineers Coalition
Vickers, Tom – Lincoln; Nebraskans for Wilderness Camps

MOTIONS - Approve Appointments

Senator Brashear moved the adoption of the report of the Judiciary Committee for the following appointment found on page 658: Board of Parole – Mike Gomez.

Voting in the affirmative, 29:

Aguilar	Baker	Bohlke	Brashear	Bruning
Byars	Chambers	Connealy	Crosby	Cudaback
Dickey	Dierks	Hudkins	Janssen	Jensen
Kristensen	Pedersen, Dw.	Price	Quandahl	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Coordsen	Engel	Hilgert	Jones
Kremer	Schmitt	Wickersham		

Excused and not voting, 12:

Bourne	Bromm	Brown	Hartnett	Kiel
Landis	Lynch	Matzke	Pederson, D.	Preister
Raikes	Robak			

The appointment was confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Brashear moved the adoption of the report of the Judiciary Committee for the following appointments found on page 658: Crime Victims Reparation Committee - William Brueggemann and Scot Ford.

Voting in the affirmative, 26:

Aguilar	Baker	Bohlke	Brashear	Bromm
Bruning	Byars	Connealy	Crosby	Engel
Hudkins	Janssen	Kristensen	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Stuhr	Suttle	Thompson	Tyson
Vrtiska				

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Beutler	Coordsen	Cudaback	Dickey	Dierks
Hilgert	Jensen	Jones	Kremer	Smith
Wehrbein	Wickersham			

Excused and not voting, 10:

Bourne	Brown	Hartnett	Kiel	Landis
Lynch	Matzke	Pederson, D.	Preister	Robak

The appointments were confirmed with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 673: State Emergency Response Commission - Christine Bleich, Kim Herald, and Steve Wood.

Senator 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:

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 673: State Emergency Response Commission - Christine Bleich.

Voting in the affirmative, 30:

Aguilar	Baker	Bohlke	Bromm	Bruning
Byars	Chambers	Connealy	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins

Janssen	Kremer	Pedersen, Dw.	Price	Quandahl
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Brashear	Coordsen	Jensen	Jones
Kristensen	Raikes	Tyson	Wickersham	

Excused and not voting, 10:

Bourne	Brown	Hartnett	Kiel	Landis
Lynch	Matzke	Pederson, D.	Preister	Robak

The appointment was confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

The second division is as follows:

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 673: State Emergency Response Commission - Kim Herald and Steve Wood.

Voting in the affirmative, 29:

Aguilar	Baker	Bohlke	Brashear	Bromm
Bruning	Byars	Connealy	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Kremer	Pedersen, Dw.	Price	Quandahl
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Vrtiska	Wehrbein	

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Beutler	Coordsen	Jensen	Jones	Kristensen
Raikes	Thompson	Tyson	Wickersham	

Excused and not voting, 10:

Bourne	Brown	Hartnett	Kiel	Landis
--------	-------	----------	------	--------

Lynch Matzke Pederson, D. Preister Robak

The appointments were confirmed with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 673: State Emergency Response Commission – Mark Reimers.

Voting in the affirmative, 31:

Aguilar	Bohlke	Brashear	Bromm	Bruning
Byars	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jones	Kremer	Landis	Pedersen, Dw.
Price	Quandahl	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Vrtiska
Wickersham				

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Baker	Beutler	Jensen	Kristensen	Raikes
Thompson	Tyson	Wehrbein		

Excused and not voting, 9:

Bourne	Brown	Hartnett	Kiel	Lynch
Matzke	Pederson, D.	Preister	Robak	

The appointment was confirmed with 31 ayes, 1 nay, 8 present and not voting, and 9 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 673: Nebraska Ethanol Board – Lee Grove.

Voting in the affirmative, 34:

Aguilar	Brashear	Bromm	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen

Jensen	Kiel	Kremer	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 7:

Baker	Beutler	Bohlke	Chambers	Jones
Kristensen	Landis			

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Robak		

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

MESSAGES FROM THE GOVERNOR

February 16, 2000

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 a member of the Commission of Industrial Relations:

APPOINTEE:

Brenda Council, 2001 Florence Mills Plz, Omaha NE 68110

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

February 16, 2000

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 a member of the Health & Human Services System Partnership Council:

APPOINTEE:

Christopher Rodgers, 4207 Camden Ave, Omaha NE 68111

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

February 16, 2000

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 a member of the Nebraska Boiler Safety Code Advisory Board:

APPOINTEE:

James E. Marvin, 1258 S 164, Omaha NE 68130

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

February 16, 2000

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 as members of the Coordinating Commission for Post-Secondary Education:

APPOINTEES:

Debra Fischer, 808 Desirae Dr, Valentine NE 69201
Megan Massey, 90473 28 Ave, Scottsbluff NE 69361
*Dick Davis, 1626 N 137, Omaha NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Thursday, February 24, 2000
Health and Human Services System Partnership Council
Stacie Bleicher
State Board of Health
Jeffrey Akerson
David Hoover
James Schiefen

1:30 p.m.

(Signed) Jim Jensen, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1274. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson.

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of

Microenterprise Development Act Report (LB 327)

Environmental Quality, Department of

Litter Reduction and Recycling Grant Program Annual Report

Health and Human Services System

Office of System Advocate October-December Quarterly Report

Law Enforcement and Criminal Justice, Commission on

Statewide Criminal Justice Drug and Violent Crime Updated Strategy Report

Roads, Department of

Gasohol at State Facilities and Implementation of Voyager Fleet Fuel Card

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 204.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Tyson

Present and not voting, 1:

Raikes

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Robak		

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

LEGISLATIVE BILL 419.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1359 and 77-1361, Revised Statutes Supplement, 1998; to change provisions relating to valuation of farm sites; to define and 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, 41:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Robak		

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

LEGISLATIVE BILL 504.

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.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Robak		

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

LEGISLATIVE BILL 510.

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.

Senator 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?' "

Voting in the affirmative, 24:

Beutler	Bohlke	Brashear	Bromm	Byars
Chambers	Connealy	Cudaback	Dierks	Engel
Hilgert	Janssen	Kiel	Kristensen	Landis
Pedersen, Dw.	Price	Raikes	Schmitt	Schrock
Suttle	Thompson	Wehrbein	Wickersham	

Voting in the negative, 17:

Aguilar	Baker	Bruning	Coordsen	Crosby
Dickey	Hudkins	Jensen	Jones	Kremer
Quandahl	Redfield	Schimek	Smith	Stuhr

Tyson Vrtiska

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	Robak		

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 626 with 35 ayes, 2 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 626.

A BILL FOR AN ACT relating to property rights; to amend section 25-2130, Reissue Revised Statutes of Nebraska; to adopt the Trademark Registration Act; to change provisions relating to damages for willful trespass; to eliminate trademark registration provisions; to repeal the original section; and to outright repeal sections 87-111 to 87-125, 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, 41:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 8:

Bourne	Brown	Hartnett	Lynch	Matzke
Pederson, D.	Preister	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 654 with 36 ayes, 2 nays, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 654. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 29-3912, 35-529, 77-2608, 81-145, 81-149, 81-150, 81-151, 81-153, 81-154.01, 81-159, 81-161, 81-161.01, 81-161.02, 81-161.04, 81-164, 81-166, 81-168, 81-171, 81-1108, 81-1108.41, 81-1114.02, 81-1118, 81-1118.01, 81-1118.03, 81-1118.04, 81-1118.06, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1184, 81-1185, 81-1186, 81-1187, 81-1316, 81-1348, 81-2304, 81-2307, 81-2308.01, 83-140, 84-1601, 84-1602, 84-1603, 84-1605, 84-1606, 84-1613, and 84-1616, Reissue Revised Statutes of Nebraska, sections 81-154, 81-161.03, and 81-188.01, Revised Statutes Supplement, 1998, and section 60-311, Revised Statutes Supplement, 1999; to change provisions relating to the Department of Administrative Services; to change provisions relating to purchasing, departmental organization, funding, facility planning, capital construction, recycling management, and powers and duties; to create a fund; to provide an exemption from the State Personnel System; to change terms of office for the Suggestion Award Board; to eliminate a termination date, obsolete provisions, and a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 81-163.01, 81-1120.32 to 81-1120.34, 81-1120.39, and 81-1354.02, 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coorsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Bourne	Hartnett	Lynch	Matzke	Pederson, D.
Preister	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 654A. With Emergency.

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, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Pedersen, Dw.
Price	Quandahl	Raikes	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Landis

Excused and not voting, 7:

Bourne	Hartnett	Lynch	Matzke	Pederson, D.
Preister	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 701.

A BILL FOR AN ACT relating to recreational trails; to amend sections 37-1011 to 37-1014, Reissue Revised Statutes of Nebraska, and section 37-303, Revised Statutes Supplement, 1999; to change provisions relating to state recreational trails and division fence cost-share responsibilities and construction; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Kiel	Kremer	Kristensen	Landis
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 1:

Jones

Present and not voting, 1:

Wickersham

Excused and not voting, 7:

Bourne	Hartnett	Lynch	Matzke	Pederson, D.
Preister	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: LBs 204, 419, 504, 626, 654, 654A, and 701.

GENERAL FILE

LEGISLATIVE BILL 1436. The Standing Committee amendment,

AM2365, found on page 637 and considered on page 717, was renewed.

Pending.

ANNOUNCEMENT

Senator Landis designates LB 925 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 17, 2000, at 10:10 a.m., were the following: LBs 204, 419, 504, 626, 654e, 654Ae, and 701.

(Signed) Diana Bridges
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS Transportation and Telecommunications

LEGISLATIVE BILL 1077. Placed on General File.

LEGISLATIVE BILL 1268. Placed on General File.

LEGISLATIVE BILL 1283. Placed on General File.

LEGISLATIVE BILL 1295. Placed on General File.

LEGISLATIVE BILL 1322. Placed on General File.

LEGISLATIVE BILL 1362. Placed on General File.

LEGISLATIVE BILL 1419. Placed on General File as amended.

Standing Committee amendment to LB 1419:

AM2409

- 1 1. On page 2, line 5, strike "resident licensed" and
- 2 show the old matter as stricken; and in line 6 after "dealer"
- 3 insert "licensed in accordance with Chapter 60, article 14.".

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1436. Senator Chambers moved to bracket until February 22, 2000.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his motion to bracket.

The Standing Committee amendment, AM2365, found on page 637 and considered on pages 717 and 739, was renewed.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senators Jensen and Byars offered the following amendment:
AM2458

- 1 1. Strike sections 3 to 5 and all amendments thereto and
- 2 the following new sections:
- 3 "Sec. 3. Section 77-2602, Revised Statutes Supplement,
- 4 1999, is amended to read:
- 5 77-2602. (1) Every person engaged in distributing or
- 6 selling cigarettes at wholesale in this state shall pay to the Tax
- 7 Commissioner of this state a special privilege tax. This shall be
- 8 in addition to all other taxes. It shall be paid prior to or at
- 9 the time of the sale, gift, or delivery to the retail dealer in the
- 10 several amounts as follows: On each package of cigarettes
- 11 containing not more than twenty cigarettes, ~~thirty-four~~ thirty-five
- 12 cents per package; and on packages containing more than twenty
- 13 cigarettes, the same tax as provided on packages containing not
- 14 more than twenty cigarettes for the first twenty cigarettes in each
- 15 package and a tax of one-twentieth of the tax on the first twenty
- 16 cigarettes on each cigarette in excess of twenty cigarettes in each
- 17 package. Commencing July 1, 1994, and continuing until July 1,
- 18 2009, the State Treasurer shall place the equivalent of twenty-one
- 19 cents of such tax less three million dollars each fiscal year of
- 20 proceeds of such tax in the General Fund. Commencing July 1, 2009,
- 21 the State Treasurer shall place the equivalent of twenty-one cents
- 22 of such tax in the General Fund. For purposes of this section, the
- 23 equivalent of a specified number of cents of the tax shall mean
- 24 that portion of the proceeds of the tax equal to the specified
- 1 number divided by ~~thirty-four~~ thirty-five. The State Treasurer
- 2 shall distribute the remaining proceeds of such tax in the
- 3 following order:
- 4 (a) First, beginning July 1, 1980, the State Treasurer
- 5 shall place the equivalent of one cent of such tax in the Nebraska
- 6 Outdoor Recreation Development Cash Fund. For fiscal year
- 7 distributions occurring after FY1998-99, the distribution under
- 8 this subdivision shall not be less than the amount distributed
- 9 under this subdivision for FY1997-98. Any money needed to increase
- 10 the amount distributed under this subdivision to the FY1997-98
- 11 amount shall reduce the twenty-one-cent distribution to the General
- 12 Fund;
- 13 (b) Second, beginning July 1, 1993, the State Treasurer
- 14 shall place the equivalent of three cents of such tax in the
- 15 Department of Health and Human Services Finance and Support Cash
- 16 Fund to carry out sections 81-637 to 81-640. For fiscal year
- 17 distributions occurring after FY1998-99, the distribution under
- 18 this subdivision shall not be less than the amount distributed
- 19 under this subdivision for FY1997-98. Any money needed to increase
- 20 the amount distributed under this subdivision to the FY1997-98
- 21 amount shall reduce the twenty-one-cent distribution to the General
- 22 Fund;
- 23 (c) Third, beginning July 1, 1995, the State Treasurer

24 shall place the equivalent of two cents of such tax in the City of
25 Omaha Public Events Facilities Fund for each fiscal year through
26 fiscal year 2000-01. The Legislature shall appropriate all sums
27 inuring to the fund to the city of Omaha upon evidence that any
1 amounts so appropriated are matched with funds derived from sources
2 other than state funds in amounts equivalent to one dollar for
3 every two dollars appropriated. For fiscal year distributions
4 occurring after FY1998-99, the distribution under this subdivision
5 shall not be less than the amount distributed under this
6 subdivision for FY1997-98. Any money needed to increase the amount
7 distributed under this subdivision to the FY1997-98 amount shall
8 reduce the twenty-one-cent distribution to the General Fund;
9 (d) Fourth, beginning July 1, 1997, and continuing until
10 July 1, 2001, the State Treasurer shall place the equivalent of
11 seven cents of such tax in the Building Renewal Allocation Fund for
12 each fiscal year, for the purposes stated in the Deferred Building
13 Renewal Act. Beginning July 1, 2001, and continuing until all the
14 purposes of the Deferred Building Renewal Act have been fulfilled,
15 the State Treasurer shall place the equivalent of nine cents of
16 such tax in the Building Renewal Allocation Fund. The Legislature
17 shall appropriate each fiscal year all sums inuring to the fund,
18 plus interest earnings for the Task Force for Building Renewal to
19 be used to carry out its duties and to fulfill the purposes of the
20 Deferred Building Renewal Act. Unexpended balances existing at the
21 end of each fiscal year shall be, and are hereby, reappropriated.
22 For fiscal year distributions occurring after FY1998-99, the
23 distribution under this subdivision shall not be less than the
24 amount distributed under this subdivision for FY1997-98. Any money
25 needed to increase the amount distributed under this subdivision to
26 the FY1997-98 amount shall reduce the twenty-one-cent distribution
27 to the General Fund;

1 (e) Fifth, the State Treasurer shall place the difference
2 between the equivalent of thirteen cents of such tax and the sum of
3 the amounts distributed pursuant to subdivisions (a) through (d) of
4 this subsection in a special fund to be known as the Nebraska
5 Capital Construction Fund; and

6 (f) Sixth, beginning July 1, 1994, and continuing until
7 July 1, 2009, the State Treasurer shall place in the Municipal
8 Infrastructure Redevelopment Fund the sum of three million dollars
9 each fiscal year to carry out the Municipal Infrastructure
10 Redevelopment Fund Act. The Legislature shall appropriate the sum
11 of three million dollars each year for fiscal year 1994-95 through
12 fiscal year 2008-09; and

13 (g) Seventh, beginning on July 1, 2000, the State
14 Treasurer shall place the equivalent of one cent of such tax in the
15 Teen Tobacco Education and Prevention Project Fund to carry out the
16 purposes set forth in section 1 of this act.

17 (2) The Legislature hereby finds and determines that the
18 projects funded from the Municipal Infrastructure Redevelopment

19 Fund, the City of Omaha Public Events Facilities Fund, and the
20 Building Renewal Allocation Fund are of critical importance to the
21 State of Nebraska. It is the intent of the Legislature that the
22 allocations and appropriations made by the Legislature to such
23 funds or, in the case of allocations for the Municipal
24 Infrastructure Redevelopment Fund, to the particular municipality's
25 account not be reduced until all contracts and securities relating
26 to the construction and financing of the projects or portions of
27 the projects funded from such funds or accounts of such funds are
1 completed or paid or, in the case of the Municipal Infrastructure
2 Redevelopment Fund, the earlier of such date or July 1, 2009, and
3 that until such time any reductions in the cigarette tax rate made
4 by the Legislature shall be simultaneously accompanied by
5 equivalent reductions in the amount dedicated to the General Fund
6 from cigarette tax revenue. Any provision made by the Legislature
7 for distribution of the proceeds of the cigarette tax for projects
8 or programs other than those to (a) the General Fund, (b) the
9 Nebraska Outdoor Recreation Development Cash Fund, (c) the
10 Department of Health and Human Services Finance and Support Cash
11 Fund, (d) the Municipal Infrastructure Redevelopment Fund, (e) the
12 City of Omaha Public Events Facilities Fund, and (f) the Building
13 Renewal Allocation Fund, and (g) the Teen Tobacco Education and
14 Prevention Project Fund shall not be made a higher priority than or
15 an equal priority to any of the programs or projects specified in
16 subdivisions (a) through ~~(f)~~ (g) of this subsection.
17 Sec. 4. Original section 77-2602, Revised Statutes
18 Supplement, 1999, is repealed.
19 Sec. 5. Since an emergency exists, this act takes effect
20 when passed and approved according to law."
21 2. On page 4, strike beginning with "investment" in line
22 18 through line 20 and insert "money credited pursuant to section
23 77-2602. The fund"; and strike beginning with "Teen" in line 25
24 through "Fund" in line 26 and insert "fund".

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

Senator Bohlke requested a ruling of the Chair on whether the Jensen-Byars
amendment is germane to the bill.

The Chair ruled the Jensen-Byars amendment is not germane to the bill.

Senator Bohlke moved for a call of the house. The motion prevailed with 25
eyes, 0 nays, and 24 not voting.

Senator Bohlke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Coordsen	Crosby	Cudaback
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Schmitt	Schrock	Smith
Stuhr	Vrtiska	Wickersham		

Voting in the negative, 7:

Byars	Dickey	Dierks	Jensen	Landis
Thompson	Wehrbein			

Present and not voting, 6:

Brown	Chambers	Connealy	Kiel	Schimek
Suttle				

Excused and not voting, 8:

Bourne	Kristensen	Lynch	Matzke	Pederson, D.
Preister	Robak	Tyson		

Advanced to E & R for review with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1346. Placed on General File.

LEGISLATIVE BILL 1034. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Business and Labor

LEGISLATIVE BILL 1312. Indefinitely postponed.

LEGISLATIVE BILL 1342. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

General Affairs

LEGISLATIVE BILL 1094. Placed on General File as amended.

Standing Committee amendment to LB 1094:
AM2370

- 1 1. On page 3, line 23, strike "shall" and insert ", in
- 2 its discretion, may".

(Signed) Ray Janssen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 925A. 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 925, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORTS

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
Rhonda Flower

VOTE: Aye: Senators Connealy, Cudaback, Dickey, Hartnett, Janssen, Quandahl, Schrock, and Smith. Nay: None. Absent: None.

The General 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 Arts Council
Fred Teller
Robert Wolfe

VOTE: Aye: Senators Connealy, Dickey, Hartnett, Janssen, Quandahl, Schrock, and Smith. Nay: None. Absent: Senator Cudaback.

(Signed) Ray Janssen, Chairperson

ANNOUNCEMENT

The Appropriations Committee designates LB 1396 as its priority bill.

Senator Wehrbein designates LB 1223 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1190. Title read. Considered.

The Standing Committee amendment, AM2114, found on page 572, was considered.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 13 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.

AMENDMENTS - Print in Journal

Senator Redfield filed the following amendment to LB 438:
AM2452

(Amendments to Final Reading copy)

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. Section 49-1447, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 49-1447. (1) The committee treasurer shall keep detailed
- 6 accounts, records, bills, and receipts necessary to substantiate
- 7 the information contained in a statement or report filed pursuant
- 8 to sections 49-1445 to 49-1479 or rules and regulations adopted and
- 9 promulgated under sections 49-1401 to 49-14,138 the Nebraska
- 10 Political Accountability and Disclosure Act.
- 11 (2)(a) For any committee other than a candidate
- 12 committee, the committee treasurer shall be responsible for filing
- 13 all statements and reports of the committee required to be filed
- 14 under the act and shall be personally liable subject to section 3
- 15 of this act for any late filing fees, civil penalties, and interest
- 16 that may be due under the act as a result of a failure to make such
- 17 filings.
- 18 (b) For candidate committees, the candidate shall be
- 19 responsible for filing all statements and reports required to be
- 20 filed by his or her candidate committee under the Nebraska
- 21 Political Accountability and Disclosure Act or the Campaign Finance
- 22 Limitation Act and may delegate such responsibility to the
- 23 committee treasurer. The candidate and the committee treasurer
- 1 shall be personally liable for any late filing fees, civil
- 2 penalties, and interest that may be due under either act as a
- 3 result of a failure to make such filings. The commission shall
- 4 take reasonable steps to collect late filing fees, civil penalties,
- 5 and interest from the candidate before attempting to collect late

6 filing fees, civil penalties, and interest from the committee
 7 treasurer. If the commission obtains a judgment against the
 8 candidate and the committee treasurer for the payment of late
 9 filing fees, civil penalties, and interest, the commission shall
 10 take reasonable steps to collect from the candidate before
 11 attempting to collect from the committee treasurer.
 12 (3) The committee treasurer shall record the name and
 13 address of each person from whom a contribution is received except
 14 for contributions of fifty dollars or less received pursuant to
 15 subsection (2) of section 49-1472.
 16 (4) The records of a committee shall be preserved for
 17 five years and shall be made available for inspection as authorized
 18 by the commission.
 19 (5) Any person violating the provisions of this section
 20 shall be guilty of a Class III misdemeanor."

Senator Wickersham filed the following amendment to LB 1107:
 AM2463

1 1. On page 7, strike beginning with "receiving" in line
 2 8 through "Act" in line 9; and in line 11 strike "system" and
 3 insert "systems".

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 1138. Placed on General File as amended.
 Standing Committee amendment to LB 1138:
 AM2464

1 1. Strike original sections 6 and 21 and insert the
 2 following new sections:
 3 "Sec. 2. Section 13-519, Revised Statutes Supplement,
 4 1998, is amended to read:
 5 13-519. (1) For fiscal years beginning on or after July
 6 1, 1996, and before July 1, 1997, no governmental unit shall adopt
 7 a budget containing a total of budgeted restricted funds more than
 8 the last prior year's total of budgeted restricted funds plus
 9 population growth plus two percent expressed in dollars. For
 10 cities of the first and second class and villages, restricted funds
 11 shall be reduced to take into account the fourteen-month fiscal
 12 year for 1995-96. For fiscal years beginning on or after July 1,
 13 1997, and before July 1, 1998, no governmental unit shall adopt a
 14 budget containing a total of budgeted restricted funds more than
 15 the last prior year's total of budgeted restricted funds plus
 16 population growth expressed in dollars. For all fiscal years
 17 beginning on or after July 1, 1998, no governmental unit shall
 18 adopt a budget containing a total of budgeted restricted funds more
 19 than the last prior year's total of budgeted restricted funds plus
 20 allowable growth plus the basic allowable growth percentage of the
 21 base limitation established under section 77-3446. For all fiscal

22 years beginning on or after July 1, 1998, and before July 1, 1999,
23 the last prior year's total of restricted funds shall be the last
24 prior year's total of restricted funds not excluding restricted
1 funds budgeted for acquisition or replacement of tangible personal
2 property with a useful life of five years or more in the last prior
3 year or the year before the last prior year, whichever excluded the
4 most, plus restricted funds budgeted to pay for lease-purchase
5 contracts approved on or after July 1, 1997, and before July 1,
6 1998, to the extent the lease payments are not budgeted restricted
7 funds for fiscal year 1997-98. For fiscal year 2000-01, for all
8 natural resources districts, the prior year's total of restricted
9 funds shall be the last prior year's total of restricted funds plus
10 any amount budgeted to be received from the Natural Resources
11 Enhancement Fund for that year. If a governmental unit transfers
12 the financial responsibility of providing a service financed in
13 whole or in part with restricted funds to another governmental unit
14 or the state, the amount of restricted funds associated with
15 providing the service shall be subtracted from the last prior
16 year's total of budgeted restricted funds for the previous provider
17 and may be added to the last prior year's total of restricted funds
18 for the new provider. For governmental units that have
19 consolidated, the calculations made under this section for
20 consolidating units shall be made based on the combined total of
21 restricted funds, population, or full-time equivalent students of
22 each governmental unit.

23 (2) In addition to the increase allowed in subsection (1)
24 of this section, for fiscal years beginning on or after July 1,
25 1998, and before July 1, 1999, a governmental unit may increase its
26 budget of restricted funds no more than four percent to create or
27 increase an existing qualified sinking fund or funds upon the
1 affirmative vote of at least seventy-five percent of the governing
2 body. Any unused authority granted in this subsection may not be
3 carried forward under section 13-521.

4 (3) A governmental unit may exceed the limit provided in
5 subsection (1) of this section for a fiscal year by up to an
6 additional one percent upon the affirmative vote of at least
7 seventy-five percent of the governing body.

8 (4) A governmental unit may exceed the applicable
9 allowable growth percentage otherwise prescribed in this section by
10 an amount approved by a majority of legal voters voting on the
11 issue at a special election called for such purpose upon the
12 recommendation of the governing body or upon the receipt by the
13 county clerk or election commissioner of a petition requesting an
14 election signed by at least five percent of the legal voters of the
15 governmental unit. The recommendation of the governing body or the
16 petition of the legal voters shall include the amount and
17 percentage by which the governing body would increase its budgeted
18 restricted funds for the ensuing year over and above the current
19 year's budgeted restricted funds. The county clerk or election

20 commissioner shall call for a special election on the issue within
21 fifteen days after the receipt of such governing body
22 recommendation or legal voter petition. The election shall be held
23 pursuant to the Election Act, and all costs shall be paid by the
24 governing body. The issue may be approved on the same question as
25 a vote to exceed the levy limits provided in section 77-3444.

26 (5) In lieu of the election procedures in subsection (4)
27 of this section, any governmental unit may exceed the allowable
1 growth percentage otherwise prescribed in this section by an amount
2 approved by a majority of legal voters voting at a meeting of the
3 residents of the governmental unit, called after notice is
4 published in a newspaper of general circulation in the governmental
5 unit at least twenty days prior to the meeting. At least ten
6 percent of the registered voters residing in the governmental unit
7 shall constitute a quorum for purposes of taking action to exceed
8 the allowable growth percentage. If a majority of the registered
9 voters present at the meeting vote in favor of exceeding the
10 allowable growth percentage, a copy of the record of that action
11 shall be forwarded to the Auditor of Public Accounts along with the
12 budget documents. The issue to exceed the allowable growth
13 percentage may be approved at the same meeting as a vote to exceed
14 the limits or final levy allocation provided in section 77-3444.

15 Sec. 16. The Department of Revenue shall adopt and
16 promulgate rules and regulations to carry out sections 7 to 14 of
17 this act."

18 2. On page 4, line 4, after "act" insert "and funds
19 distributed from the Natural Resources Enhancement Fund".

20 3. On page 8, line 27, strike "four million six" and
21 insert "two million three".

22 4. On page 17, lines 6 through 22; and page 18, lines 8
23 through 13, reinstate the stricken matter and strike the new
24 matter.

25 5. On page 20, strike beginning with "Sections" in line
26 14 through line 15 and insert "This act becomes".

27 6. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1253. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Dierks' daughter-in-law and grandchildren, Suzanne, Nathan, Alex, Brady, and Reagan Dierks, from Ewing and McCabe Hoefer from Elgin; Carol Morton from Culbertson; Ann

Bruntz from Friend, Rico and Michaela Barandun from Zurich, Switzerland; 75 fourth grade students and teachers from Valley Elementary School; and Chad and Kelsey Trapour from Lincoln.

The Doctor of the Day was Dr. Matt Ferber from Laurel.

ADJOURNMENT

At 11:44 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, February 22, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 22, 2000

PRAYER

The prayer was offered by Father Lloyd Gnirk, St. Pius the Tenth Catholic Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:03 a.m., Senator Crosby presiding.

The roll was called and all members were present except Senators Kristensen and Lynch who were excused; and Senators Beutler, Bohlke, Coordsen, Dierks, Hartnett, Landis, Raikes, Robak, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

ANNOUNCEMENTS

The Agriculture Committee designates LB 1432 as its priority bill.

The Health and Human Services Committee designates LB 1115 and LB 819 as its priority bills.

Senator Jensen designates LB 972 as his priority bill.

Senator Brown designates LB 1330 as her priority bill.

**STANDING COMMITTEE REPORT
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1253. Placed on General File as amended.
Standing Committee amendment to LB 1253:
AM2472

1 1. Strike original section I and insert the following
 2 new section:
 3 "Section 1. (1) Notwithstanding section 44-3,131, (a)
 4 any employer group sickness and accident insurance policy or
 5 subscriber contract delivered, issued for delivery, or renewed in
 6 this state and any employer group hospital, medical, or surgical
 7 expense-incurred policy, except for policies that provide coverage
 8 for a specified disease or other limited-benefit coverage, and (b)
 9 any self-funded employee benefit plan to the extent not preempted
 10 by federal law shall include coverage for the reasonable cost of
 11 hospitalization and general anesthesia in order for a covered
 12 person to safely receive dental care if he or she is under eight
 13 years of age or is developmentally disabled.
 14 (2)(a) This section does not prevent application of
 15 deductible or copayment provisions contained in the group policy,
 16 contract, or benefit plan or require that coverage under a group
 17 policy, contract, or benefit plan be extended to any other
 18 procedures, including dental care.
 19 (b) This section does not prevent application of prior
 20 authorization requirements or other requirements of a managed care
 21 plan as established by the group policy, contract, or benefit plan,
 22 including a requirement that coverage under subsection (1) of this
 23 section shall be provided only through a contracted network of
 24 providers.
 1 (3) For purposes of this section, the reasonable
 2 determination that hospitalization and general anesthesia are
 3 necessary for safe dental care shall be made by the entity
 4 providing coverage under subsection (1) of this section. Medical
 5 necessity shall be as defined by the group policy, contract, or
 6 benefit plan.
 7 (4) For purposes of this section, hospital and
 8 hospitalization includes ambulatory surgery center and care at an
 9 ambulatory surgery center."

(Signed) David M. Landis, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Thompson asked unanimous consent to be excused until she returns.
 No objections. So ordered.

MOTIONS - Approve Appointments

Senator Bromm moved the adoption of the report of the Transportation and
 Telecommunications Committee for the following appointments found on
 page 712: Nebraska Transit and Rail Advisory Council - Allan Abbott, Ann
 Boyle, Duane Eitel, Roger Figard, Dave Gilfillan, Georgia Janssen, Paul
 Mullen, Michael Ongerth, Tom Wais, and Dennis Wilson.

Senator 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:

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 712: Nebraska Transit and Rail Advisory Council – Ann Boyle and Georgia Janssen.

Voting in the affirmative, 28:

Aguilar	Bourne	Bromm	Brown	Bruning
Byars	Chambers	Connealy	Cudaback	Dickey
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Redfield	Schimek	Smith
Stuhr	Suttle	Wehrbein		

Voting in the negative, 0.

Present and not voting, 9:

Baker	Brashear	Crosby	Matzke	Preister
Schmitt	Schrock	Tyson	Vrtiska	

Excused and not voting, 12:

Beutler	Bohlke	Coordsen	Dierks	Hartnett
Kristensen	Landis	Lynch	Raikes	Robak
Thompson	Wickersham			

The appointments were confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

The second division is as follows:

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 712: Nebraska Transit and Rail Advisory Council - Allan Abbott, Duane Eitel, Roger Figard, Dave Gilfillan, Paul Mullen, Michael Ongerth, Tom Wais, and Dennis Wilson.

Voting in the affirmative, 33:

Aguilar	Bohlke	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Crosby	Cudaback	Dickey	Engel	Hilgert
Janssen	Jensen	Jones	Kiel	Kremer

Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Wehrbein		

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Baker	Hudkins	Schmitt	Tyson	Vrtiska
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Excused and not voting, 10:

Beutler	Dierks	Hartnett	Kristensen	Landis
Lynch	Raikes	Robak	Thompson	Wickersham

The appointments were confirmed with 33 ayes, 1 nay, 5 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 922A. Title read. Considered.

Senator Cudaback offered the following amendment:

AM2474

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$353,967
- 4 from the General Fund for FY2000-01 and (2) \$339,967 from the
- 5 General Fund for FY2001-02 to the Supreme Court, for Program 6, to
- 6 aid in carrying out the provisions of Legislative Bill 922,
- 7 Ninety-sixth Legislature, Second Session, 2000.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$272,814 for FY2000-01 or \$272,814 for FY2001-02.
- 11 Sec. 2. Since an emergency exists, this act takes effect
- 12 when passed and approved according to law."

The Cudaback amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 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 717. Title read. Considered.

The Standing Committee amendment, AM2003, found on page 675, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and

not voting.

Senator Preister withdrew his amendment, AM2003, found on page 530.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointments:

Council, Brenda – Commission of Industrial Relations – Business and Labor

Davis, Dick – Coordinating Commission for Postsecondary Education – Education

Fischer, Debra – Coordinating Commission for Postsecondary Education – Education

Marvin, James E. – Nebraska Boiler Safety Code Advisory Board – Business and Labor

Massey, Megan – Coordinating Commission for Postsecondary Education – Education

Rodgers, Christopher – Health and Human Services System Partnership Council – Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTION - Print in Journal

Senator Bourne filed the following motion to LB 510:
Reconsider the Final Reading vote on LB 510.

GENERAL FILE

LEGISLATIVE BILL 994. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following amendment:
FA297

P. 13, lines 27-28, strike new matter; and on page 14, line 16, after "Sections" insert 81-1429.

PRESIDENT MAURSTAD PRESIDING

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

FA298

Amend FA297

The provisions of this amendment take effect Jan. 1, 2007

Pending.

UNANIMOUS CONSENT - Members Excused

Senators Bohlke and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 717A. 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 717, Ninety-sixth Legislature, Second Session, 2000; and to provide for transfers.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1095. Placed on General File.

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 957. Title read. Considered.

Senator Dierks renewed his pending amendment, AM2276, found on page 639.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 957A. 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.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE RESOLUTION 300. Reported to the Legislature for further consideration.

LEGISLATIVE BILL 1350. Indefinitely postponed.

LEGISLATIVE BILL 1356. Indefinitely postponed.

LEGISLATIVE BILL 1394. Indefinitely postponed.

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
William Grewcock

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Schrock, and Stuhr. Nay: None. Absent: Senator Preister.

(Signed) Edward J. Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Hilgert filed the following amendment to LB 175:
AM2271

(Amendments to E & R amendments, AM7181)

- 1 1. Strike section 6.
- 2 2. On page 4, line 15, strike the new matter and
- 3 reinstate the stricken matter.
- 4 3. On page 5, line 14, strike "five" and insert "three"
- 5 and after "issuance" insert "and service".
- 6 4. On page 6, line 12, strike "76-1446, and 76-1483" and
- 7 insert "and 76-1446".
- 8 5. Renumber the remaining section accordingly.

Senators Brashear and Bruning filed the following amendment to LB 628:
AM2492

(Amendments to Standing Committee amendments, AM2142)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 84-712, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 84-712. (1) Except as otherwise expressly provided by
- 6 statute, all citizens of this state, and all other persons
- 7 interested in the examination of the public records, as defined in
- 8 section 84-712.01, are hereby fully empowered and authorized to (a)

9 examine the same, and to make memoranda, copies using their own
10 copying or photocopying equipment in accordance with subsection (2)
11 of this section, and abstracts therefrom, all free of charge,
12 during the hours the respective offices may be kept open for the
13 ordinary transaction of business and (b) except if federal
14 copyright law otherwise provides, obtain copies of public records
15 in accordance with subsection (3) of this section during the hours
16 the respective offices may be kept open for the ordinary
17 transaction of business.

18 (2) Copies made by citizens or other persons using their
19 own copying or photocopying equipment pursuant to subdivision
20 (1)(a) of this section shall be made on the premises of the
21 custodian of the public record or at a location mutually agreed to
22 by the requester and the custodian.

23 (3)(a) Copies may be obtained pursuant to subdivision
1 (1)(b) of this section only if the custodian has copying equipment
2 reasonably available. Such copies may be obtained in any form
3 designated by the requester in which the public record is
4 maintained or produced, including, but not limited to, printouts,
5 electronic data, discs, tapes, and photocopies.

6 (b) Except as otherwise provided by statute, the
7 custodian of a public record may charge a fee for providing copies
8 of such public record pursuant to subdivision (1)(b) of this
9 section, which fee shall not exceed the actual cost of making the
10 copies available. For purposes of this subdivision, (i) the actual
11 cost of making the copies available shall not include the cost of
12 salaries of public employees, (ii) for printouts of computerized
13 data on paper, the actual cost of making the copies available shall
14 include the reasonably calculated actual cost of computer run time
15 and the cost of materials for making the copy, and (iii) for
16 electronic data, the actual cost of making the copies available
17 shall include the reasonably calculated actual cost of the computer
18 run time, any necessary analysis and programming, and the
19 production of the report in the form furnished to the requester.
20 State agencies which provide electronic access to public records
21 through a gateway service shall obtain approval of their proposed
22 reasonable fees for such records pursuant to sections 84-1205.02
23 and 84-1205.03, if applicable, and the actual cost of making the
24 copies available may include the approved fee for the gateway
25 service.

26 (c) This section shall not be construed to require a
27 public body or custodian of a public record to produce or generate
1 any public record in a new or different form or format modified
2 from that of the original public record.

3 (d) If copies requested in accordance with subdivision
4 (1)(b) of this section are estimated by the custodian of such
5 public records to cost more than fifty dollars, the custodian may
6 require the requester to furnish a deposit prior to fulfilling such
7 request.

8 (4) Upon receipt of a request for access to or copies of
9 a public record, the custodian of such record shall provide to the
10 requester as soon as is practicable and without delay, but not more
11 than three business days after actual receipt of the request,
12 either (a) access to and, if copying equipment is reasonably
13 available, copies of the public record, (b) if there is a legal
14 basis for denial of access or copies, a written denial of the
15 request together with the information specified in section
16 84-712.04, or (c) if the entire request cannot with reasonable good
17 faith efforts be fulfilled within three business days after actual
18 receipt of the request due to the significant difficulty or the
19 extensiveness of the request, a written explanation, including the
20 earliest practicable date for fulfilling the request, an estimate
21 of the expected cost of any copies, and an opportunity for the
22 requester to modify or prioritize the request.

23 Sec. 2. Section 84-712.03, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 84-712.03. Any person denied any rights granted by
26 sections 84-712 to 84-712.03 may elect to:

27 (1) file File for speedy relief by a writ of mandamus in

1 the district court within whose jurisdiction the state, county, or
2 political subdivision officer who has custody of said the public
3 record can be served; or

4 (2) ~~petition~~ Petition the Attorney General to review the
5 record matter to determine whether it a record may be withheld from
6 public inspection or whether the public body that is custodian of
7 such record has otherwise failed to comply with such sections.

8 This determination shall be made within fifteen calendar days of
9 the submission of the petition. If the Attorney General determines
10 that the record may not be withheld or that the public body is
11 otherwise not in compliance, the public body shall be ordered to
12 disclose the record immediately or otherwise comply. If the public
13 body continues to withhold the record or remain in noncompliance,
14 the person seeking disclosure or compliance may (a) bring suit in
15 the trial court of general jurisdiction or (b) demand in writing
16 that the Attorney General bring suit in the name of the state in
17 the trial court of general jurisdiction for the same purpose. If
18 such demand is made, the Attorney General shall bring suit within
19 fifteen calendar days of its receipt. The requester shall have an
20 absolute right to intervene as a full party in the suit at any
21 time.

22 In any suit filed under this section, the court has
23 jurisdiction to enjoin the public body from withholding records, to
24 order the disclosure, and to grant such other equitable relief as
25 may be proper. The court shall determine the matter de novo and
26 the burden is on the public body to sustain its action. The court
27 may view the records in controversy in camera before reaching a
1 decision, and in the discretion of the court other persons,
2 including the requester, counsel, and necessary expert witnesses

3 may be permitted to view the records, subject to necessary
 4 protective orders.
 5 Proceedings arising under this section, except as to the
 6 cases the court considers of greater importance, shall take
 7 precedence on the docket over all other cases and shall be assigned
 8 for hearing, trial, or argument at the earliest practicable date
 9 and expedited in every way.
 10 Sec. 3. Original sections 84-712 and 84-712.03, Reissue
 11 Revised Statutes of Nebraska, are repealed."

GENERAL FILE

LEGISLATIVE BILL 1135. Title read. Considered.

Senator Hartnett asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM2284, printed separately and referred to on page 572, was considered.

Senator Schimek renewed her pending amendment, AM2395, found on page 673, to the Standing Committee amendment.

The Schimek amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, 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 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 301 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 301.

ANNOUNCEMENT

Speaker Kristensen designates LBs 26, 341, 349, 352, 572, 604, 825, 931, 956, 969, 1000, 1025, 1116, 1145, 1161, 1208, 1251, 1265, 1279, 1281, 1304, 1346, 1363, 1381, and 1410 as priority bills.

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 438:
 AM2490

(Amendments to Final Reading copy)

- 1 1. Strike original section 2 and insert the following

2 new section:
 3 "Sec. 2. Section 49-1447, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 49-1447. (1) The committee treasurer shall keep detailed
 6 accounts, records, bills, and receipts necessary to substantiate
 7 the information contained in a statement or report filed pursuant
 8 to sections 49-1445 to 49-1479 or rules and regulations adopted and
 9 promulgated under sections 49-1401 to 49-14,138 the Nebraska
 10 Political Accountability and Disclosure Act.
 11 (2)(a) For any committee other than a candidate
 12 committee, the committee treasurer shall be responsible for filing
 13 all statements and reports of the committee required to be filed
 14 under the act and shall be personally liable subject to section 3
 15 of this act for any late filing fees, civil penalties, and interest
 16 that may be due under the act as a result of a failure to make such
 17 filings.
 18 (b) For candidate committees, the candidate shall be
 19 responsible for filing all statements and reports required to be
 20 filed by his or her candidate committee under the Nebraska
 21 Political Accountability and Disclosure Act or the Campaign Finance
 22 Limitation Act. The candidate shall be personally liable for any
 23 late filing fees, civil penalties, and interest that may be due
 1 under either act as a result of a failure to make such filings and
 2 may use funds of the candidate committee to pay such fees,
 3 penalties, and interest.
 4 (3) The committee treasurer shall record the name and
 5 address of each person from whom a contribution is received except
 6 for contributions of fifty dollars or less received pursuant to
 7 subsection (2) of section 49-1472.
 8 (4) The records of a committee shall be preserved for
 9 five years and shall be made available for inspection as authorized
 10 by the commission.
 11 (5) Any person violating the provisions of this section
 12 shall be guilty of a Class III misdemeanor."

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1018. Placed on Select File as amended.
 (E & R amendment, AM7201, 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 1436. Placed on Select File as amended.
 E & R amendment to LB 1436:
 AM7202

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) The Teen Tobacco Education and

4 Prevention Project is created. The purpose of the project is to
5 aid in the prevention, reduction, and cessation of teen smoking by
6 encouraging creative and innovative proposals to educate Nebraska
7 residents about smoking and tobacco use. The project shall fund
8 educational proposals developed and designed by high school
9 students, provide money for scholarships for the students who
10 develop and design such project proposals, and provide award money
11 to project proposal sponsors.

12 (2) The Teen Tobacco Education and Prevention Project
13 Committee is created. The committee shall develop criteria for
14 project proposals and shall select winning project proposals
15 pursuant to subsection (4) of this section and the rules and
16 regulations adopted and promulgated under this section. The
17 committee shall consist of:

18 (a) A high school marketing teacher or advisor;

19 (b) A high school journalism teacher or advisor;

20 (c) A health teacher from a public school;

21 (d) One student from each category of school listed in

22 subsection (4) of this section;

23 (e) A physician who is knowledgeable of the health risks

24 associated with smoking and tobacco use;

1 (f) An advertising expert;

2 (g) A broadcast journalist;

3 (h) An anti-tobacco activist;

4 (i) A public health representative; and

5 (j) A member of the business community.

6 The Commissioner of Education shall appoint the members
7 representing subdivisions (a) through (d) of this subsection and
8 the Governor shall appoint the remaining members. Any vacancy on
9 the committee shall be filled in the same manner as the initial
10 appointment. The State Department of Education shall provide staff
11 support for the committee. Committee members shall be reimbursed
12 for their actual and necessary expenses as provided in sections
13 81-1174 to 81-1177.

14 (3) On or before December 31 of each year, high school
15 students who reside or attend school in Nebraska may submit project
16 proposals to the committee. Each project proposal may be designed
17 and developed by no more than four high school students. Project
18 proposals may include programs, advertisement campaigns, small
19 group projects, conferences, seminars, billboards, pamphlets,
20 productions, television advertisements, radio advertisements,
21 promotional ideas, or any other innovative concept the purpose of
22 which is to help reduce, prevent, or stop teen smoking. The
23 project proposals shall be designed to be implemented statewide or
24 in the school, community, or geographic area where the student
25 resides or attends school. The budget for each project proposal
26 shall be no more than one hundred thousand dollars.

27 (4) By March 1 of each year, the committee shall select

1 four winning project proposals. There shall be one winning project

2 proposal from (a) a school with a membership of less than one
3 hundred twenty-five students in grades nine through twelve, (b) a
4 school with a membership of less than three hundred twenty but at
5 least one hundred twenty-five students in grades nine through
6 twelve, (c) a school with a membership of less than one thousand
7 fifty but at least three hundred twenty students in grades nine
8 through twelve, and (d) a school with a membership of one thousand
9 fifty or more students in grades nine through twelve. The
10 designers of the winning project proposals shall each be awarded a
11 five-thousand-dollar scholarship and will oversee the
12 implementation of their project proposal statewide or in their
13 school, community, or geographic area. In addition, each school,
14 organization, club, or other entity which sponsored a winning
15 project proposal shall be awarded five thousand dollars. The
16 department shall oversee and administer the sponsorship awards
17 provided in this section.

18 (5) The department shall adopt and promulgate rules and
19 regulations as necessary to carry out the duties set forth in this
20 section.

21 (6) The Coordinating Commission for Postsecondary
22 Education shall oversee and administer the scholarships provided in
23 this section. Scholarships may only be used by an eligible student
24 for educational expenses at an eligible institution as defined
25 under the Scholarship Assistance Program Act. Any scholarship
26 money which is not used after the student earns his or her first
27 baccalaureate degree, certificate, diploma, or equivalent or after
1 the student reaches age twenty-five, whichever occurs first, shall
2 be transferred to the Excellence in Health Care Trust Fund. The
3 commission shall adopt and promulgate rules and regulations as
4 necessary to carry out the duties set forth in this subsection.

5 (7) The department shall conduct a review of the project
6 before December 31, 2003, and submit a report to the Governor and
7 Legislature with its recommendations.

8 Sec. 2. The Teen Tobacco Education and Prevention
9 Project Fund is created. The fund shall include investment income
10 on the revenue transferred from the Nebraska Tobacco Settlement
11 Trust Fund. The Teen Tobacco Education and Prevention Project Fund
12 shall be used by the Teen Tobacco Education and Prevention Project
13 Committee for the purposes of section 1 of this act. Any money in
14 the Teen Tobacco Education and Prevention Project Fund available
15 for investment shall be invested by the state investment officer
16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

18 Sec. 3. Section 71-7608, Revised Statutes Supplement,
19 1999, is amended to read:

20 71-7608. The Nebraska Tobacco Settlement Trust Fund is
21 created. The fund shall include revenue received from a settlement
22 or judgment awarded to the State of Nebraska as a result of
23 tobacco-related litigation for compensation for the costs of

24 treating smoking-related illnesses. The Department of Health and
 25 Human Services Finance and Support shall remit such revenue to the
 26 State Treasurer for credit to the fund. Subject to the terms and
 27 conditions of the settlement or judgment, the investment income on
 1 the revenue shall be transferred as follows: (1) The first five
 2 hundred thousand dollars shall be transferred to the Teen Tobacco
 3 Education and Prevention Project Fund each year to be used for
 4 scholarships and awards as provided in section 1 of this act and
 5 (2) the remaining investment income shall be transferred to the
 6 Excellence in Health Care Trust Fund to be used for grants or loan
 7 guarantees as provided in section 71-7614. Any money in the
 8 Nebraska Tobacco Settlement Trust Fund available for investment
 9 shall be invested by the state investment officer pursuant to the
 10 Nebraska Capital Expansion Act and the Nebraska State Funds
 11 Investment Act.

12 Sec. 4. Section 71-7611, Revised Statutes Supplement,
 13 1998, is amended to read:

14 71-7611. The Excellence in Health Care Trust Fund is
 15 created. The fund shall include revenue transferred from the Teen
 16 Tobacco Education and Prevention Project Fund, the Nebraska Health
 17 Care Trust Fund, and the Nebraska Tobacco Settlement Trust Fund.
 18 The Excellence in Health Care Trust Fund shall be used for grants
 19 or loan guarantees as provided in section 71-7614 after deducting
 20 any expenses incurred in the administration of the grants or loan
 21 guarantees. Any money in the fund available for investment shall
 22 be invested by the state investment officer pursuant to the
 23 Nebraska Capital Expansion Act and the Nebraska State Funds
 24 Investment Act.

25 Sec. 5. Original section 71-7611, Revised Statutes
 26 Supplement, 1998, and section 71-7608, Revised Statutes Supplement,
 27 1999, are repealed."

LEGISLATIVE BILL 1190. Placed on Select File as amended.

E & R amendment to LB 1190:

AM7203

1 1. On page 1, line 1, strike "society" and insert
 2 "societies"; and strike line 3 and insert "provide for the
 3 acquisition of certain real property; to change provisions relating
 4 to an".

LEGISLATIVE BILL 922A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Smith, the Legislature adjourned
 until 9:00 a.m., Wednesday, February 23, 2000.

Patrick J. O'Donnell
 Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 23, 2000

PRAYER

The prayer was offered by Abaid Rahman, Rosebud, South Dakota.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Beutler, Bromm, Dierks, Hilgert, Kiel, Landis, Matzke, D. Pederson, Price, Tyson, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

MESSAGE FROM THE GOVERNOR

February 22, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 204, 419, 504, 626, 654e, 654Ae, and 701 were received in my office on February 17, 2000.

These bills were signed by me on February 22, 2000, and delivered to the Secretary of State.

Sincerely,

(Signed) Mike Johanns
Governor

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 302 and 303 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 302 and 303.

MOTIONS - Approve Appointments

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 745: Nebraska Liquor Control Commission - Rhonda Flower.

Voting in the affirmative, 29:

Aguilar	Baker	Bohlke	Bourne	Brown
Bruning	Byars	Chambers	Crosby	Cudaback
Dickey	Engel	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Lynch	Pedersen, Dw.
Quandahl	Redfield	Schimek	Schmitt	Smith
Stuhr	Suttle	Thompson	Vrtiska	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Brashear	Connealy	Coordsen	Preister
Raikes	Robak	Schrock		

Excused and not voting, 12:

Bromm	Dierks	Hartnett	Hilgert	Kiel
Landis	Matzke	Pederson, D.	Price	Tyson
Wehrbein	Wickersham			

The appointment was confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 745: Nebraska Arts Council - Fred Teller and Robert Wolfe.

Voting in the affirmative, 31:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Connealy	Coordsen
Crosby	Cudaback	Dickey	Engel	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Lynch	Pederson, D.	Price	Quandahl	Raikes
Redfield	Schmitt	Smith	Stuhr	Suttle
Wehrbein				

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Beutler	Pedersen, Dw.	Preister	Robak	Schimek
Schrock	Thompson	Tyson	Vrtiska	

Excused and not voting, 8:

Bromm	Dierks	Hartnett	Hilgert	Kiel
Landis	Matzke	Wickersham		

The appointments were confirmed with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 994. The Brashear pending amendment, FA298, found on page 756, to the Chambers pending amendment, FA297, found on page 755, was renewed.

The Brashear amendment was adopted with 25 ayes, 3 nays, 14 present and not voting, and 7 excused and not voting.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers pending amendment, FA297, found on page 755, was renewed.

The Chambers amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1194. Placed on General File.

LEGISLATIVE BILL 1025. Placed on General File as amended.
Standing Committee amendment to LB 1025:

AM2321

- 1 1. On page 2, line 28; page 3, line 1; and page 5, line
- 2 4, strike "one hundred" and insert "fifty".
- 3 2. On page 11, line 8, after the last comma insert "an
- 4 advanced registered nurse practitioner,".
- 5 3. On page 14, line 22, strike "four" and insert
- 6 "three"; and in line 23 after the comma insert "one of whom shall
- 7 be a licensed practical nurse,".

LEGISLATIVE BILL 1033. Placed on General File as amended.
Standing Committee amendment to LB 1033:

AM2394

- 1 1. On page 2, lines 17 and 18, strike the new matter.

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.

Health and Human Services System Partnership Council
Ella Ochoa
Kathy Moore

Policy Secretary, Health and Human Services System
Chris Peterson

Board of Health
Linda Lazure

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Price, and Dickey.
Nay: None. Absent: Senator Tyson.

(Signed) Jim Jensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 304. Introduced by Jones, 43.

WHEREAS, the Myrtle Hall Estate has conveyed to the Nebraska Game and Parks Foundation property located in Loup and Custer Counties, Nebraska, which will be maintained as a 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 Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as:

The Southwest Quarter (SW1/4) of Section 33; the Southeast Quarter (SE1/4), the West Half of the Northeast Quarter (W1/2 NE1/4); the East Half of the Northwest Quarter (E1/2NW1/4) and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 32; the East Half of the Southwest Quarter (E1/2SW1/4) and the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 29; all in Township 21 North, Range 19 West of the 6th Principal Meridian, Loup County, Nebraska;

The East Half (E1/2), Southwest Quarter (SW1/4), and the South Half of the Northwest Quarter (S1/2NW1/4) of Section 34; the East Half of the Southeast Quarter (E1/2SE1/4) and the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section 33; all in Township 21 North, Range 20 West of the 6th Principal Meridian, Loup County, Nebraska; and

The East Half (E1/2) of Section 6; the Northwest Quarter (NW1/4), North Half of the Southwest Quarter (N1/2SW1/4), and Southeast Quarter of the Southwest Quarter (SE1/4NW1/4) of Section 5; and the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 8; all in Township 20 North, Range 19 West of the 6th Principal Meridian, Custer County, Nebraska.

The conveyance in this section describes real estate located in Custer and Loup Counties, for a total of 1,960 acres, more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a wildlife management area.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 304 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 1243. Title read. Considered.

SENATOR SCHIMEK PRESIDING

The Standing Committee amendment, AM2446, found on page 715, was considered.

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

AM2507

(Amendments to Standing Committee amendments, AM2446)

- 1 1. Strike amendments 1 and 3.
- 2 2. On page 4, strike beginning with the semicolon in
- 3 line 10 through the second quotation mark in line 11.
- 4 3. Renumber the remaining amendment accordingly.

The Bohlke amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1138:

AM2506

- 1 1. On page 15, line 8, strike "number of individuals in
- 2 poverty" and insert "population of the county"; in line 13 after
- 3 the period insert paragraphing and "(6)" and after "poverty" insert
- 4 "and county population"; and in line 16 after "Commerce" insert
- 5 "prior to January 15 immediately preceding the fiscal year in which
- 6 the aid is to be distributed".
- 7 2. In the Standing Committee amendments, AM2464, on page
- 8 4, line 16, after "regulations" insert "necessary".

Senator Kristensen filed the following amendment to LB 692:

(Amendment, AM2285, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Landis filed the following amendment to LB 1436:

AM2500

(Amendments to E & R amendments, AM7202)

- 1 1. Insert the following new section:
- 2 "Sec. 5. This legislative bill is a complete act and its
- 3 provisions inseverable. If any provision of this legislative bill
- 4 is declared to violate the Master Settlement Agreement as defined
- 5 in section 69-2701, the entire legislative bill is invalid."
- 6 2. On page 1, line 16, after the period insert "In
- 7 developing the criteria, the committee shall not restrict the
- 8 content developed by the project proposals or in any way censor the
- 9 creative and innovative approach taken by the project proposals."
- 10 3. On page 3, line 20, after the period insert "In
- 11 promulgating the rules and regulations, the department shall not

12 restrict the content developed by the project proposals or in any
13 way censor the creative and innovative approach taken by the
14 project proposals."

15 4. Renumber the remaining section accordingly.

Senator Kremer filed the following amendment to LB 1018:
AM2488

(Amendments to E & R amendments, AM7201)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 60-1406, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 60-1406. Licenses issued by the board under Chapter 60,
- 5 article 14, shall be of the classes set out in this section and
- 6 shall permit the business activities described in this section:
- 7 (1) Motor vehicle dealer's license. This license permits
- 8 the licensee to engage in the business of selling or exchanging
- 9 new, used, or new and used motor vehicles, and trailers, and
- 10 manufactured homes at the established place of business designated
- 11 in the license and another place or places of business located
- 12 within three hundred feet of the designated place of business and
- 13 within the city or county described in the original license. This
- 14 license permits the sale of a trade-in or consignment mobile home
- 15 greater than forty feet in length and eight feet in width and
- 16 located at a place other than the dealer's established place of
- 17 business. This license permits one person, either the licensee, if
- 18 he or she is the individual owner of the licensed business, or a
- 19 stockholder, officer, partner, or member of the licensee, to act as
- 20 a motor vehicle, and trailer, and manufactured home salesperson and
- 21 the name of the authorized person shall appear on the license;
- 22 (2) Motor vehicle, motorcycle, or trailer salesperson
- 23 license. This license permits the licensee to engage in the
- 1 activities of a motor vehicle, motorcycle, or trailer salesperson.
- 2 This license permits the one person named on the license to act as
- 3 a salesperson;
- 4 (3) Manufacturer license. This license permits the
- 5 licensee to engage in the activities of a motor vehicle,
- 6 motorcycle, or trailer manufacturer or manufacturer's factory
- 7 branch;
- 8 (4) Distributor license. This license permits the
- 9 licensee to engage in the activities of a motor vehicle,
- 10 motorcycle, or trailer distributor;
- 11 (5) Factory representative license. This license permits
- 12 the licensee to engage in the activities of a factory branch
- 13 representative;
- 14 (6) Factory branch license. This license permits the
- 15 licensee to maintain a branch office in this state;
- 16 (7) Distributor representative license. This license
- 17 permits the licensee to engage in the activities of a distributor
- 18 representative;

19 (8) Finance company license. This license permits the
20 licensee to engage in the activities of repossession of motor
21 vehicles or trailers and the sale of such motor vehicles or
22 trailers so repossessed;

23 (9) Wrecker or salvage dealer license. This license
24 permits the licensee to engage in the business of acquiring motor
25 vehicles or trailers for the purpose of dismantling the motor
26 vehicles or trailers and selling or otherwise disposing of the
27 parts and accessories of motor vehicles or trailers;

1 (10) Supplemental motor vehicle, motorcycle, or trailer
2 dealer's license. This license permits the licensee to engage in
3 the business of selling or exchanging motor vehicles, motorcycles,
4 or trailers of the type designated in his or her dealer's license
5 at a specified place of business which is located more than three
6 hundred feet from any part of the place of business designated in
7 the original motor vehicle, motorcycle, or trailer dealer's license
8 but which is located within the city or county described in such
9 original license;

10 (11) Motorcycle dealer's license. This license permits
11 the licensee to engage in the business of selling or exchanging
12 new, used, or new and used motorcycles at the established place of
13 business designated in the license and another place or places of
14 business located within three hundred feet of the designated place
15 of business and within the city or county described in the original
16 license. This form of license permits one person named on the
17 license, either the licensee, if he or she is the individual owner
18 of the licensed business, or a stockholder, officer, partner, or
19 member of the licensee, to act as a motorcycle salesperson and the
20 name of the authorized person shall appear on the license;

21 (12) Motor vehicle auction dealer's license. This
22 license permits the licensee to engage in the business of selling
23 motor vehicles and trailers. This form of license permits one
24 person named on the license, either the licensee, if he or she is
25 the individual owner of the licensed business, or a stockholder,
26 officer, partner, or member of the licensee, to act as a motor
27 vehicle auction dealer's salesperson and the name of the authorized
1 person shall appear on the license; and

2 (13) Trailer dealer's license. This license permits the
3 licensee to engage in the business of selling or exchanging new,
4 used, or new and used trailers and manufactured homes at the
5 established place of business designated in the license and another
6 place or places of business located within three hundred feet of
7 the designated place of business and within the city or county
8 described in the original license. This form of license permits
9 one person named on the license, either the licensee, if he or she
10 is the individual owner of the licensed business, or a stockholder,
11 officer, partner, or member of the licensee, to act as a trailer
12 and manufactured home salesperson and the name of the authorized
13 person shall appear on the license.

14 Sec. 5. Section 60-1407.03, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-1407.03. Notwithstanding the other provisions of
17 Chapter 60, article 14, restricting sales to an established place
18 of business, any ~~licensed~~ motor vehicle, motorcycle, or trailer
19 dealer licensed in accordance with Chapter 60, article 14, may be
20 granted a special permit to display and sell passenger cars, motor
21 vehicles, motorcycles, trailers, or self-propelled motor homes at
22 fairs, sports shows, vacation shows, and similar events, subject to
23 the conditions established by sections 60-1407.02 to ~~60-1407.05~~
24 60-1407.04.

25 Sec. 10. The following section is outright repealed:

26 Section 60-1407.05, Reissue Revised Statutes of Nebraska."

27 2. On page 2, line 1, after "vehicles" insert an

1 underscored comma, strike "and" and show as stricken, and after
2 "trailers" insert ", and manufactured homes"; and in line 10 after
3 "trailers" insert "and manufactured homes".

4 3. On page 10, line 12, strike "and" and show as
5 stricken; and in line 15 after "60-1440" insert ", and

6 (35) Manufactured home means a structure, transportable
7 in one or more sections, which in the traveling mode is eight body
8 feet or more in width or forty body feet or more in length or when
9 erected on site is three hundred twenty or more square feet and
10 which is built on a permanent chassis and designed to be used as a
11 dwelling with or without a permanent foundation when connected to
12 the required utilities and includes the plumbing, heating, air
13 conditioning, and electrical systems contained in the structure,
14 except that manufactured home includes any structure that meets all
15 of the requirements of this subdivision other than the size
16 requirements and with respect to which the manufacturer voluntarily
17 files a certification required by the United States Secretary of
18 Housing and Urban Development and complies with the standards
19 established under the National Manufactured Housing Construction
20 and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et
21 seq. Manufactured home also includes any manufactured home
22 designed and manufactured with more than one separate living unit
23 for the purpose of multifamily living".

24 4. On page 17, line 7, after the last comma insert

25 "60-1407.03,"; and in line 8 after the last comma insert "and

26 section 60-1406, Revised Statutes Supplement, 1999,".

27 5. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 929:

(Amendment, AM2477, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1384. Placed on General File.

LEGISLATIVE BILL 1449. Indefinitely postponed.

(Signed) Floyd P. Vrtiska, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 349. Placed on General File.

LEGISLATIVE BILL 1145. Placed on General File.

LEGISLATIVE BILL 1179. Placed on General File.

LEGISLATIVE BILL 1308. Placed on General File.

LEGISLATIVE RESOLUTION 287CA. Placed on General File.

LEGISLATIVE BILL 455. Indefinitely postponed.

LEGISLATIVE BILL 579. Indefinitely postponed.

LEGISLATIVE BILL 937. Indefinitely postponed.

LEGISLATIVE BILL 1083. Indefinitely postponed.

LEGISLATIVE BILL 1158. Indefinitely postponed.

LEGISLATIVE BILL 1191. Indefinitely postponed.

LEGISLATIVE BILL 1415. Indefinitely postponed.

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 Personnel Board
Samuel F. Seever

VOTE: Aye: Senators Aguilar, Cudaback, Janssen, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

MOTION - Reconsider Action on LB 510

Senator Bourne renewed his pending motion, found on page 755, to reconsider the Final Reading vote on LB 510.

SPEAKER KRISTENSEN PRESIDING

The Bourne motion to reconsider prevailed with 33 ayes, 15 nays, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 510.

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

Voting in the affirmative, 28:

Beutler	Bohlke	Bourne	Brashear	Bromm
Chambers	Connealy	Cudaback	Dierks	Engel
Hilgert	Janssen	Kiel	Kristensen	Landis
Lynch	Pedersen, Dw.	Pederson, D.	Preister	Price
Raikes	Robak	Schmitt	Schrock	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 19:

Aguilar	Baker	Bruning	Byars	Coordsen
Crosby	Dickey	Hudkins	Jensen	Jones
Kremer	Matzke	Quandahl	Redfield	Schimek
Smith	Stuhr	Tyson	Vrtiska	

Present and not voting, 1:

Brown

Excused and not voting, 1:

Hartnett

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: LB 510.

GENERAL FILE

LEGISLATIVE BILL 557. Title read. Considered.

The Standing Committee amendment, AM0855, found on page 1064, First Session, 1999, was considered.

Senator Wickersham renewed his pending amendment, AM2391, found on

page 648, to the Standing Committee amendment.

Senators Thompson and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Crosby asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 715. Title read. Considered.

The Standing Committee amendment, AM0834, printed separately and referred to on page 1028, First Session, 1999, was considered.

Senator Raikes renewed his pending amendment, AM2404, printed separately and referred to on page 674, to the Standing Committee amendment.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 2000, at 11:10 a.m., was the following: LB 510.

(Signed) Diana Bridges
Clerk of the Legislature's Office

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1436A. 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 1436, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1243A. 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 1243, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 26A. 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 26, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1209A. 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 1209, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1077A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, sections 255 and 256; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1077, Ninety-sixth Legislature, Second Session, 2000; to change appropriations; to provide for a transfer; and to repeal the original sections.

STANDING COMMITTEE REPORT Business and Labor

LEGISLATIVE BILL 1448. Placed on General File as amended.

Standing Committee amendment to LB 1448:

AM2511

- 1 1. On page 2, after line 20, insert
- 2 "Claim No. 99-389, against the Department of Motor
- 3 Vehicles, pay to Keith County Attorney, P.O. Box 29,
- 4 Ogallala, NE 69153, out of the General Fund. 500.00".
- 5 2. On page 3, line 18, strike "270,136.77" and insert
- 6 "274,636.77"; and in line 20 strike "293,336.77" and insert
- 7 "297,836.77".

(Signed) Floyd P. Vrtiska, Chairperson

AMENDMENT - Print in Journal

Senators Robak and Janssen filed the following amendment to LB 659:

AM2496

- 1 1. Insert the following new sections:
- 2 "Sec. 27. Section 9-607, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 9-607. (1) Lottery shall mean a gambling scheme in
- 5 which:
- 6 (a) The players pay or agree to pay something of value

7 for an opportunity to win;

8 (b) Winning opportunities are ~~represented by~~ determined
9 on the basis of chance and shall be represented by paper or

10 magnetically recorded tickets;

11 (c) Winners are solely determined by one of the following
12 two methods:

13 (i) By a random drawing of tickets differentiated by
14 sequential enumeration from a receptacle by hand whereby each
15 ticket has an equal chance of being chosen in the drawing; or

16 (ii) By use of a game known as keno in which a player

17 selects up to twenty numbers from a total of eighty numbers on a
18 paper or magnetically recorded ticket and a computer, other

19 electronic selection device, or electrically operated blower

20 machine which is not player-activated randomly selects up to twenty

21 numbers from the same pool of eighty numbers and the winning

22 players are determined by the correct matching of the numbers on

23 the ~~paper~~ ticket selected by the players with the numbers randomly

24 selected by the computer, other electronic selection device, or

1 electrically operated blower machine, except that no keno game

2 shall permit or require player access or activation of lottery

3 equipment. ~~If and the random selection of numbers by the computer,~~

4 ~~other electronic selection device, or is by an~~ electrically

5 operated blower machine, the selection shall not occur within five

6 minutes of the completion of the previous selection of random

7 numbers. If the random selection of numbers occurs more often than

8 once every five minutes, the maximum allowable wager per player per

9 game shall be one dollar. Winnings in a keno game shall only be

10 paid by a person licensed to perform work directly related to the

11 conduct of a lottery. No device used in a keno game may pay

12 winning tickets by dispensing coins, currency, tokens, or credits

13 good for future play directly to the player. The lottery equipment

14 shall record all tickets, paid tickets, and game results

15 magnetically or on paper. A player shall be provided with evidence

16 of participation in the keno game in the form of either a paper

17 ticket or some tangible medium identifying the holder's

18 magnetically recorded ticket activity. No device used in a keno

19 game shall have a top or candle light located on it, have a handle

20 located on its side which may or may not be pulled, or display at

21 any time spinning reels; and

22 (d) The holders of the winning ~~paper~~ tickets are to

23 receive cash or prizes redeemable for cash. Selection of a winner

24 or winners shall be predicated solely on chance.

25 (2) Lottery shall not include:

26 (a) Any gambling scheme which uses any mechanical gaming

27 device, computer gaming device, electronic gaming device, or video

1 gaming device which has the capability of awarding something of

2 value, free games redeemable for something of value, or tickets or

3 stubs redeemable for something of value;

4 (b) Any activity authorized or regulated under the

5 Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the
6 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
7 Raffle Act, the State Lottery Act, section 9-701, or Chapter 2,
8 article 12; or

9 (c) Any activity prohibited under Chapter 28, article 11.

10 (3) Notwithstanding the requirement in subdivision

11 (1)(c)(ii) of this section that a player select up to twenty
12 numbers, a player may select more than twenty numbers on a paper
13 ticket when a top or bottom, left or right, edge, or way ticket is
14 played or a player may select a quick-pick ticket. For a top or
15 bottom ticket, the player shall select all numbers from one through
16 forty or all numbers from forty-one through eighty. For a left or
17 right ticket, the player shall select all numbers ending in one
18 through five or all numbers ending in six through zero. For an
19 edge ticket, the player shall select all of the numbers comprising
20 the outside edge of the ticket. For a way ticket, the player shall
21 select a combination of groups of numbers in multiple ways on a
22 single ticket.

23 (4) A county, city, or village conducting a keno lottery
24 shall designate the method one or more methods of winning number
25 selection to be used in the lottery and submit such designation in
26 writing to the department prior to conducting a keno lottery. Only
27 those methods of winning number selection described in subdivision

1 (1)(c)(ii) of this section shall be permitted, and the method of
2 winning number selection initially utilized may only be changed
3 once during that business day as set forth in the designation. A
4 county, city, or village shall not change the method or methods of
5 winning number selection filed with the department or allow it to
6 be changed once such initial designation has been made unless (a)
7 otherwise authorized in writing by the department based upon a
8 written request from the county, city, or village or (b) an
9 emergency arises in which case a ball draw method of number
10 selection would be switched to a number selection by a random
11 number generator. An emergency situation shall be reported by the
12 county, city, or village to the department within twenty-four hours
13 of its occurrence.

14 Sec. 28. Section 9-613, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 9-613. Lottery equipment shall mean all proprietary
17 devices, and machines, which store the ticket activity or determine
18 the actual winners and parts used in the manufacture or maintenance
19 of equipment which is used in and is an integral part of the
20 conduct of any lottery activity authorized or regulated under the
21 Nebraska County and City Lottery Act.

22 Sec. 29. Section 9-651, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 9-651. Each in the case of a paper ticket, each county,
25 city, or village conducting a lottery shall have its name clearly
26 printed on each ticket used in the lottery. No such ticket shall

- 27 be sold unless the name is printed thereon. In the case of a
1 magnetically recorded ticket, the name of the county, city, or
2 village shall be clearly displayed to the player."
3 2. On page 36, line 13, strike "and"; and in line 14
4 after "9-351," insert "9-607, 9-613, and 9-651,".
5 3. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were Norm Janssen from Seward; Michelle Hupp from Albion; 14 students from Raymond Central; 23 fourth and fifth grade students and sponsors from Zion Lutheran Schools, Kearney; 60 ninth grade students and teachers from East High School, Lincoln; 30 seniors and teacher from East High School, Lincoln; and 9 Student Council members from Oxford.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 24, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 24, 2000

PRAYER

The prayer was offered by Father Tom Ryan, St. Mary's Cathedral Catholic Church, Grand Island, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Engel and Hilgert who were excused; and Senators Bohlke, Brashear, Dierks, Hartnett, Jensen, Kiel, Kristensen, Landis, D. Pederson, Robak, Schimek, Schmitt, and Wickersham 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 717. Placed on Select File as amended.

E & R amendment to LB 717:

AM7204

- 1 1. In the Standing Committee amendments, AM2003, on page
- 2 3, line 8, strike "a local" and insert "an"; and in line 11 strike
- 3 "local".
- 4 2. On page 1, strike beginning with "81-15,207" in line
- 5 3 through "costs" in line 7 and insert "and 81-15,214, Reissue
- 6 Revised Statutes of Nebraska; to define a term; to change
- 7 provisions relating to the source and use of certain funds; to
- 8 provide powers and duties; to state intent; to provide a
- 9 termination date".

LEGISLATIVE BILL 957. Placed on Select File as amended.

E & R amendment to LB 957:

AM7205

- 1 1. On page 1, line 2, strike "and"; and in line 3 after
- 2 "fund" insert "; and to declare an emergency".
- 3 2. On page 2, line 14; and page 3, line 19, after the
- 4 second "the" insert "Nebraska".
- 5 3. On page 2, lines 26 and 27, strike the comma.

LEGISLATIVE BILL 957A. Placed on Select File.**LEGISLATIVE BILL 1135.** Placed on Select File as amended.

(E & R amendment, AM7206, 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

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1078. Placed on General File as amended.

Standing Committee amendment to LB 1078:

AM2482

- 1 1. Strike original section 1 and insert the following
- 2 new sections:
- 3 "Section 1. Section 44-6829, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-6829. (1) A health carrier which provides a covered
- 6 benefit for emergency services is, subject to the terms and
- 7 conditions of the health benefit plan, responsible for charges for
- 8 medically necessary emergency services provided to a covered
- 9 person, including services furnished outside the network and
- 10 services deemed approved under subsection (2) of this section.
- 11 (2) If a treating physician or other emergency department
- 12 personnel who have provided emergency services to a covered person
- 13 determine that additional medically necessary services are promptly
- 14 needed by the covered person and they have requested health carrier
- 15 approval for such services, the health carrier is deemed to have
- 16 approved the request if the treating physician or other emergency
- 17 department personnel involved:
- 18 (a) Has made a reasonable effort to contact the
- 19 individual at the health carrier authorized to approve such
- 20 requests and the health carrier has not provided access to that
- 21 individual; or
- 22 (b) Has requested authorization from the individual at
- 23 the health carrier authorized to approve such requests and the
- 24 individual has not denied authorization within thirty minutes after
- 1 the time the request was made, unless the health carrier can

2 document that it had made a good faith effort but was unable to
3 reach the emergency physician within thirty minutes after receiving
4 a request for authorization.

5 A request which is deemed approved under this subsection
6 shall be treated as approval for any medically necessary covered
7 benefits that are required to treat the medical condition
8 identified by the treating physician or other emergency department
9 personnel.

10 (3) A health carrier may impose a reasonable copayment
11 for emergency services to deter inappropriate use of services of
12 hospital emergency departments if the copayment is the same without
13 regard to whether the health care provider has a contractual or
14 other arrangement with the health carrier.

15 (4) A health carrier shall not require a covered person
16 to obtain prior authorization before accessing the 911 system for
17 emergency services.

18 Sec. 2. Original section 44-6829, Reissue Revised
19 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 1416. Placed on General File as amended.
Standing Committee amendment to LB 1416:
AM2509

1 1. On page 2, line 12, after the last comma insert
2 "state colleges,".

(Signed) David M. Landis, Chairperson

Transportation and Telecommunications

The Transportation and Telecommunications 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 Transit and Rail Advisory Council
Roberto Munguia

VOTE: Aye: Senators Jones, Baker, Robak, Dw. Pedersen, Byars, Hudkins, Thompson, and Bromm. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Senator Suttle filed the following amendment to LB 1004:
AM2513

(Amendments to E & R amendments, AM7197)

1 1. On page 9, line 8, strike "in lieu of or" and show as
2 stricken.

RESOLUTION**LEGISLATIVE RESOLUTION 305.** Introduced by Janssen, 15.

WHEREAS, the Logan View High School wrestling team won the Class C State Wrestling Championship on February 19, 2000; and

WHEREAS, this state championship is the first Logan View High School team state wrestling championship in school history; and

WHEREAS, Logan View High School had a total of 101.5 points and the closest competitor had 83 points; and

WHEREAS, two members of the Logan View team, Eric Brand and Jerame Davis, won individual state championship titles; and

WHEREAS, two members of the Logan View team, Colt Johnson and Josh Petersen, took third place in their weight divisions to help their team win the championship; and

WHEREAS, all members of the wrestling team and their coaches showed great determination, skill, perseverance, cooperation, and sportsmanship throughout their championship season.

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

1. That the Legislature congratulates the Logan View High School wrestling team and their coaches, families, and supporters on the team's successful 2000 season leading to their first team state wrestling championship in school history.

2. That a copy of this resolution be sent to Logan View High School on behalf of their wrestling team and their coaches.

Laid over.

MOTION - Approve Appointment

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 757: Nebraska Environmental Trust Board - William Grewcock.

Voting in the affirmative, 30:

Aguilar	Baker	Bohlke	Bourne	Brown
Bruning	Byars	Connealy	Coordsen	Crosby
Cudaback	Dickey	Hudkins	Janssen	Jones
Kremer	Matzke	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Beutler Bromm Lynch Preister Schmitt

Excused and not voting, 13:

Brashear	Dierks	Engel	Hartnett	Hilgert
Jensen	Kiel	Kristensen	Landis	Pederson, D.
Robak	Schimek	Wickersham		

The appointment was confirmed with 30 ayes, 1 nay, 5 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 717A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 692. E & R amendment, AM7182, found on page 555, was adopted.

Senator Vrtiska renewed his pending amendment, AM2316, found on page 602.

The Vrtiska amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Kristensen withdrew his amendment, AM2285, printed separately and referred to on page 770.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 74. E & R amendment, AM7188, found on page 613, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 20CA. E & R amendment, AM7189, found on page 613, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 900. E & R amendment, AM7192, found on page 655, was adopted.

Senator Schrock offered the following amendment:
AM2541

1 1. Strike original section 223 and insert the following
2 new section:
3 "Sec. 224. Section 46-692, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 46-692. (1) For purposes of this section:
6 (a) Measuring device means any accurate method used to
7 measure total volume of water pumped or diverted annually; and
8 (b) Well means a water well to be used for other than
9 domestic purposes which is capable of pumping more than fifty
10 gallons per minute and which is located in the alluvial aquifer of
11 the Republican River Basin as determined and delineated on a map
12 provided by the Department of ~~Water~~ Natural Resources.
13 (2) It is the intent of the Legislature to appropriate
14 five hundred thousand dollars each year for FY1998-99, FY1999-00,
15 and FY2000-01 for a cost-share program to install measuring devices
16 on wells in the alluvial aquifer of the Republican River Basin and
17 on surface water diversion works from the Republican River and its
18 tributaries. The money shall be appropriated to a separate account
19 within the Nebraska Soil and Water Conservation Fund for cost
20 sharing on the purchase and installation of measuring devices on
21 eligible wells if every natural resources district covering any
22 portion of the alluvial aquifer of the Republican River Basin has
23 established by October 1, 1998, a program requiring the
24 installation of measuring devices on a minimum of ninety percent of
1 active eligible wells by ~~April~~ June 1, 2001, and adopts and
2 promulgates rules and regulations within a reasonable time
3 governing the program.
4 (3) To be eligible for cost-share assistance under this
5 section, a surface water diversion works must have a valid surface
6 water appropriation and a well must meet the definition of a well
7 in subsection (1) of this section and the measuring device shall be
8 purchased, installed, and operational by ~~April~~ June 1, 2001. If
9 eligible for cost sharing under this section, fifty percent of the
10 cost of purchase and installation of the measuring device, up to a
11 maximum state share of six hundred dollars per well or diversion
12 works, may be provided through the cost-share program.
13 (4) Any owner or operator of a well upon which cost-share
14 funds are expended under this section shall be responsible for
15 reporting water use to the natural resources district in which the
16 well is located in a manner prescribed by the natural resources
17 district. Any owner or operator of a surface water diversion works
18 upon which cost-share funds are expended under this section shall
19 be responsible for reporting water use to the Department of Natural
20 Resources in a manner prescribed by the department.
21 (5) If the requirements of subsections (2) and (3) of
22 this section have not been met by ~~April~~ June 1, 2001, the natural
23 resources district shall remit to the state an amount equal to the
24 cost-share assistance provided to the natural resources district
25 under such subsections. Any owner or operator of a well upon which

26 cost-share funds are expended shall not be responsible for any
27 repayment requirements under this section."

The Schrock amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 900A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1258. E & R amendment, AM7191, found on page 656, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 659. E & R amendment, AM7190, printed separately and referred to on page 656, was adopted.

Senators Robak and Janssen renewed their pending amendment, AM2496, found on page 777.

Senator Jensen moved to bracket LB 659 until March 13, 2000.

Senator Jensen withdrew his motion to bracket.

Senator Robak moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Robak requested a roll call vote on the Robak-Janssen amendment.

Voting in the affirmative, 16:

Aguilar	Baker	Beutler	Bohlke	Bromm
Byars	Connealy	Crosby	Cudaback	Janssen
Lynch	Robak	Schmitt	Schrock	Thompson
Wickersham				

Voting in the negative, 19:

Bruning	Dickey	Hudkins	Jensen	Jones
Kremer	Kristensen	Landis	Matzke	Pedersen, Dw.
Price	Quandahl	Redfield	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	

Present and not voting, 9:

Bourne	Brown	Chambers	Coordsen	Hartnett
Kiel	Preister	Raikes	Schimek	

Excused and not voting, 5:

Brashear Dierks Engel Hilgert Pederson, D.

The Robak-Janssen amendment lost with 16 ayes, 19 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Quandahl offered the following amendment:
AM2540

(Amendments to E & R amendments, AM7190)

- 1 1. On page 16, line 4, after "organization" insert ",
- 2 and no pickle card operator shall be obligated to sell individual
- 3 pickle cards exclusively on behalf of any one licensed organization
- 4 to the exclusion of all others"; and in line 14 after "value"
- 5 insert ", and such equipment shall not be purchased, leased, or
- 6 rented if the purchase, lease, or rental is based upon an
- 7 obligation requiring such operator to only sell individual pickle
- 8 cards on behalf of such licensed organization to the exclusion of
- 9 all others".

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

FA299

Amend AM2540

In line 4, strike new matter. In lines 8 and 9, strike "to the exclusion of all others".

SENATOR CUDABACK PRESIDING

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

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

Senator Chambers withdrew his amendment.

The Quandahl amendment lost with 4 ayes, 11 nays, 30 present and not voting, and 4 excused and not voting.

Senator Smith offered the following amendment:
AM2542

(Amendments to E & R amendments, AM7190)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 9-1,101, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 9-1,101. (1) The Nebraska Bingo Act, the Nebraska County
5 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
6 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
7 Raffle Act, and section 9-701 shall be administered and enforced by
8 the Charitable Gaming Division of the Department of Revenue, which
9 division is hereby created. The Department of Revenue shall make
10 annual reports to the Governor, Legislature, Auditor of Public
11 Accounts, and Attorney General on all tax revenue received,
12 expenses incurred, and other activities relating to the
13 administration and enforcement of such acts.

14 (2) The Charitable Gaming Operations Fund is hereby
15 created. Any money in the fund available for investment shall be
16 invested by the state investment officer pursuant to the Nebraska
17 Capital Expansion Act and the Nebraska State Funds Investment Act.

18 (3) Forty percent of the taxes collected pursuant to
19 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the
20 Charitable Gaming Division for administering and enforcing the acts
21 listed in subsection (1) of this section and section 81-8,128. The
22 remaining sixty percent, ~~along with any portion of the forty~~
23 ~~percent not used by the division in its administration and~~
24 ~~enforcement of such acts or section 81-8,128,~~ shall be transferred
25 to the General Fund. Any portion of the forty percent not used by
26 the division in the administration and enforcement of such acts and
27 section shall be transferred to the Compulsive Gamblers Assistance
28 Fund.

29 (4) The Tax Commissioner shall employ investigators who
30 shall be vested with the authority and power of a law enforcement
31 officer to carry out the laws of this state administered by the Tax
32 Commissioner or the Department of Revenue.

33 (5) The Charitable Gaming Division may charge a fee for
34 publications and listings it produces. The fee shall not exceed
35 the cost of publication and distribution of such items. The
36 division may also charge a fee for making a copy of any record in
37 its possession equal to the actual cost per page. The division
38 shall remit the fees to the State Treasurer for credit to the
39 Charitable Gaming Operations Fund.

40 Sec. 29. Section 9-812, Revised Statutes Supplement,
41 1999, is amended to read:

42 9-812. (1) All money received from the operation of
43 lottery games conducted pursuant to the State Lottery Act in
44 Nebraska shall be deposited in the State Lottery Operation Trust
45 Fund, which fund is hereby created. All payments of expenses of
46 the operation of the lottery games shall be made from the State
47 Lottery Operation Cash Fund. In accordance with legislative
48 appropriations, money for payments for expenses of the division
49 shall be transferred from the State Lottery Operation Trust Fund to
50 the State Lottery Operation Cash Fund, which fund is hereby
51 created. All money necessary for the payment of lottery prizes

2 shall be transferred from the State Lottery Operation Trust Fund to
3 the State Lottery Prize Trust Fund, which fund is hereby created.
4 The amount used for the payment of lottery prizes shall not be less
5 than forty percent of the dollar amount of the lottery tickets
6 which have been sold. At least twenty-five percent of the dollar
7 amount of the lottery tickets which have been sold on an annualized
8 basis shall be transferred from the State Lottery Operation Trust
9 Fund to the Education Innovation Fund, the Nebraska Environmental
10 Trust Fund, and the Compulsive Gamblers Assistance Fund.

11 ~~Forty-nine~~ Of the money available to be transferred to the
12 Education Innovation Fund, the Nebraska Environmental Trust Fund,
13 and the Compulsive Gamblers Assistance Fund, the first five hundred
14 thousand dollars shall be transferred to the Compulsive Gamblers
15 Assistance Fund to be used as provided in sections 83-162.01 to
16 83-162.04. Thereafter, forty-nine and one-half percent of the
17 money remaining after the payment of prizes and operating expenses
18 and the initial transfer to the Compulsive Gamblers Assistance Fund
19 shall be transferred to the Education Innovation Fund. Forty-nine
20 and one-half percent of the money remaining after the payment of
21 prizes and operating expenses and the initial transfer to the
22 Compulsive Gamblers Assistance Fund shall be transferred to the
23 Nebraska Environmental Trust Fund to be used as provided in the
24 Nebraska Environmental Trust Act. One percent of the money
25 remaining after the payment of prizes and operating expenses and
26 the initial transfer to the Compulsive Gamblers Assistance Fund
27 shall be transferred to the Compulsive Gamblers Assistance Fund to
1 be used as provided in sections 83-162.01 to 83-162.04.

2 (2) The Education Innovation Fund is hereby created.
3 Each fiscal year beginning with fiscal year 1994-95, at least
4 seventy-five percent of the lottery proceeds allocated to the
5 Education Innovation Fund shall be available for disbursement. The
6 Education Innovation Fund shall be allocated in the following
7 manner: Up to ten percent to fund the mentor teacher program
8 pursuant to the Quality Education Accountability Act; up to seventy
9 percent as quality education incentives pursuant to the act; and up
10 to twenty percent of the fund shall be allocated by the Governor
11 through incentive grants to encourage the development of strategic
12 school improvement plans by school districts for accomplishing high
13 performance learning and to encourage schools to establish
14 innovations in programs or practices that result in restructuring
15 of school organization, school management, and instructional
16 programs which bring about improvement in the quality of education.
17 Such incentive grants allocated by the Governor are intended to
18 provide selected school districts, teachers or groups of teachers,
19 nonprofit educational organizations, educational service units, or
20 cooperatives funding for the allowable costs of implementing pilot
21 projects and model programs.

22 From the funds allocated by the Governor, minigrants
23 shall be available to school districts to support the development

24 of strategic school improvement plans which shall include
25 statements of purposes and goals for the districts. The plans
26 shall also include the specific statements of improvement or
27 strategic initiatives designed to improve quality learning for
1 every student.

2 In addition to the minigrants granted for the development
3 of strategic school improvement plans, school districts with annual
4 budget expenditures of three hundred fifty thousand dollars or less
5 are eligible for minigrants from the funds allocated by the
6 Governor for the purposes allowed in subdivisions (2)(a) through
7 (q) of this section. The amount of this type of minigrant shall
8 not exceed five thousand dollars. The school district shall
9 present a curriculum support plan with its application for the
10 grant. The curriculum support plan must show how the district is
11 working to achieve one or more of the allowed purposes and how the
12 grant will be used to directly advance the plan to achieve one or
13 more of these purposes. The plan must be signed by the school
14 administrator and a school board representative. The application
15 for the grant shall be brief. The Excellence in Education Council
16 shall select the recipients of this type of minigrant and shall
17 administer such minigrants.

18 From the funds allocated by the Governor, major
19 competitive grants shall be available to support innovative
20 programs which are directly related to the strategic school
21 improvement plans. The development of a strategic school
22 improvement plan by a school district shall be required before a
23 grant is awarded. Annual reports shall be made by program
24 recipients documenting the effectiveness of the program in
25 improving the quality of education as designed in the strategic
26 school improvement plans. Special consideration shall be given to
27 plans which contain public or private matching funds and
1 cooperative agreements, including agreements for in-kind services.
2 Purposes for which such major competitive grants would be offered
3 shall include:

4 (a) Professional staff development programs to provide
5 funds for teacher and administrator training and continuing
6 education to upgrade teaching and administrative skills;
7 (b) The development of strategic school improvement plans
8 by school districts;
9 (c) Educational technology assistance to public schools
10 for the purchase and operation of computers, telecommunications
11 equipment and services, and other forms of technological innovation
12 which may enhance classroom teaching, instructional management, and
13 districtwide administration pursuant to the state's goal of
14 ensuring that all kindergarten through grade twelve public school
15 districts or affiliated school systems have a direct connection to
16 a statewide public computer information network by June 30, 2000.
17 The telecomputing equipment and services needed to meet this goal
18 may be funded under this subsection, sections 79-1241.01, 79-1243,

- 19 and 79-1310, or any combination of such subsection and sections.
- 20 Such telecommunications equipment, services, and forms of technical
- 21 innovation shall be approved by the State Department of Education
- 22 only after review by the technical panel created in section
- 23 86-1511;
- 24 (d) An educational accountability program to develop an
- 25 educational indicators system to measure the performance and
- 26 outcomes of public schools and to ensure efficiency in operations;
- 27 (e) Alternative programs for students, including
- 1 underrepresented groups, at-risk students, and dropouts;
- 2 (f) Programs that demonstrate improvement of student
- 3 performance against valid national and international achievement
- 4 standards;
- 5 (g) Early childhood and parent education which emphasizes
- 6 child development;
- 7 (h) Programs using decisionmaking models that increase
- 8 involvement of parents, teachers, and students in school
- 9 management;
- 10 (i) Increased involvement of the community in order to
- 11 achieve increased confidence in and satisfaction with its schools;
- 12 (j) Development of magnet or model programs designed to
- 13 facilitate desegregation;
- 14 (k) Programs that address family and social issues
- 15 impairing the learning productivity of students;
- 16 (l) Programs enhancing critical and higher-order thinking
- 17 capabilities;
- 18 (m) Programs which produce the quality of education
- 19 necessary to guarantee a competitive work force;
- 20 (n) Programs designed to increase productivity of staff
- 21 and students through innovative use of time;
- 22 (o) Training programs designed to benefit teachers at all
- 23 levels of education by increasing their ability to work with
- 24 educational technology in the classroom;
- 25 (p) Approved accelerated or differentiated curriculum
- 26 programs under sections 79-1106 to 79-1108.03; and
- 27 (q) Programs for students with disabilities receiving
- 1 special education under the Special Education Act and students
- 2 needing support services as defined in section 79-1125.01, which
- 3 programs demonstrate improved outcomes for students through
- 4 emphasis on prevention and collaborative planning.
- 5 The Governor shall establish the Excellence in Education
- 6 Council. The Governor shall appoint eleven members to the council
- 7 including representatives of educational organizations,
- 8 postsecondary educational institutions, the business community, and
- 9 the general public, members of school boards and parent education
- 10 associations, school administrators, and at least four teachers who
- 11 are engaged in classroom teaching. The State Department of
- 12 Education shall provide staff support for the council to administer
- 13 the Education Innovation Fund, including the Quality Education

14 Accountability Act. The council shall have the following powers
15 and duties:

- 16 (i) In consultation with the State Department of
17 Education, develop and publish criteria for the awarding of
18 incentive grants allocated by the Governor for programs pursuant to
19 this subsection, including minigrants;
- 20 (ii) Provide recommendations to the Governor regarding
21 the selection of projects to be funded and the distribution and
22 duration of project funding. For projects recommended under
23 subdivision (2)(c) of this section, the council shall also provide
24 recommendations to the Nebraska Information Technology Commission
25 for its review and recommendations to the Governor;
- 26 (iii) Establish standards, formats, procedures, and
27 timelines for the successful implementation of approved programs
1 funded by incentive grants allocated by the Governor from the
2 Education Innovation Fund;
- 3 (iv) Assist school districts in determining the
4 effectiveness of the innovations in programs and practices and
5 measure the subsequent degree of improvement in the quality of
6 education;
- 7 (v) Consider the reasonable distribution of funds across
8 the state and all classes of school districts;
- 9 (vi) Carry out its duties pursuant to the Quality
10 Education Accountability Act; and
- 11 (vii) Provide annual reports to the Governor concerning
12 programs funded by the fund. Each report shall include the number
13 of applicants and approved applicants, an overview of the various
14 programs, objectives, and anticipated outcomes, and detailed
15 reports of the cost of each program.
- 16 To assist the council in carrying out its duties, the
17 State Board of Education shall, in consultation with the council,
18 adopt and promulgate rules and regulations establishing criteria,
19 standards, and procedures regarding the selection and
20 administration of programs funded from the Education Innovation
21 Fund, including the Quality Education Accountability Act.
- 22 (3) Recipients of incentive grants allocated by the
23 Governor from the Education Innovation Fund shall be required to
24 provide, upon request, such data relating to the funded programs
25 and initiatives as the Governor deems necessary.
- 26 (4) Any money in the State Lottery Operation Trust Fund,
27 the State Lottery Operation Cash Fund, the State Lottery Prize
1 Trust Fund, or the Education Innovation Fund available for
2 investment shall be invested by the state investment officer
3 pursuant to the Nebraska Capital Expansion Act and the Nebraska
4 State Funds Investment Act.
- 5 (5) Unclaimed prize money on a winning lottery ticket
6 shall be retained for a period of time prescribed by rules and
7 regulations. If no claim is made within such period, the prize
8 money shall be used at the discretion of the Tax Commissioner for

9 any of the purposes prescribed in this section.

10 Sec. 30. Section 83-162.04, Reissue Revised Statutes of

11 Nebraska, is amended to read:

12 83-162.04. The Compulsive Gamblers Assistance Fund is

13 created. The division shall administer the fund for the treatment

14 of compulsive gamblers as recommended by the commission and shall

15 spend no more than ~~fifty thousand dollars~~ ten percent of the money

16 appropriated to the fund for administrative costs. In addition to

17 money transferred to the fund from the State Lottery Operation

18 Trust Fund under section 9-812 and the Charitable Gaming Operations

19 Fund under sections 9-1,101 and 83-162.06, the department is

20 authorized to accept for deposit in the Compulsive Gamblers

21 Assistance Fund funds, donations, gifts, devises, or bequests from

22 any federal, state, local, public, or private source to be used by

23 the division in the exercise of this authority under and in the

24 performance of its duties in carrying out the provisions of the

25 Alcoholism, Drug Abuse, and Addiction Services Act which relate to

26 compulsive gambling. The Director of Administrative Services shall

27 draw warrants upon the Compulsive Gamblers Assistance Fund upon the

1 presentation of proper vouchers by the division. Money from the

2 Compulsive Gamblers Assistance Fund shall be used exclusively for

3 the purpose of providing assistance to agencies, groups,

4 organizations, and individuals that provide education, assistance,

5 and counseling to individuals and families experiencing difficulty

6 as a result of problem or pathological gambling, to promote the

7 awareness of gamblers assistance programs, and to pay the costs and

8 expenses of the division and the commission with regard to

9 compulsive gambling. Neither the director of the division nor the

10 division shall provide any direct services to problem or

11 pathological gamblers or their families. Funds appropriated from

12 the Compulsive Gamblers Assistance Fund shall not be granted or

13 loaned to or administered by any of the mental health regional

14 governing boards created pursuant to the Nebraska Comprehensive

15 Community Mental Health Services Act unless the mental health

16 region is a direct provider of services dealing with the treatment

17 of compulsive gambling. Any money in the fund available for

18 investment shall be invested by the state investment officer

19 pursuant to the Nebraska Capital Expansion Act and the Nebraska

20 State Funds Investment Act.

21 Sec. 31. Section 83-162.06, Reissue Revised Statutes of

22 Nebraska, is amended to read:

23 83-162.06. It is the intent of the Legislature to

24 appropriate to the Compulsive Gamblers Assistance Fund from the

25 Charitable Gaming Operations Fund two hundred fifty thousand

26 dollars on July 1 of each year for fiscal years 1997-98, 1998-99,

27 and 1999-2000. For fiscal year 2000-01 and each fiscal year

1 thereafter, it is the intent of the Legislature to appropriate one

2 million dollars that, on June 30 of each fiscal year, the money

3 remaining in the Charitable Gaming Operations Fund not used by the

- 4 Charitable Gaming Division in its administration and enforcement
 5 duties pursuant to section 9-1,101 shall be transferred to the
 6 Compulsive Gamblers Assistance Fund, from the Charitable Gaming
 7 Operations Fund if the need for such funds is demonstrated to the
 8 Legislature."
 9 2. On page 40, line 7, after "sections" insert
 10 "9-1,101,"; in line 10 strike "and 9-352" and insert "9-352,
 11 83-162.04, and 83-162.06" and after the second comma insert "and
 12 section 9-812, Revised Statutes Supplement, 1999,".
 13 3. Renumber the remaining sections accordingly.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Smith amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 914. Placed on General File as amended.
 Standing Committee amendment to LB 914:
 AM2350

- 1 1. On page 5, strike line 18, show the old matter as
 2 stricken, and insert "child is between the ages of twelve weeks
 3 and".

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1319. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LB/LR LR 304	Committee Natural Resources
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(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 1394:

Place LB 1394 on General File notwithstanding the action of the committee.

NOTICE OF COMMITTEE HEARING
Business and Labor

Tuesday, March 7, 2000

9:30 a.m.

Commission of Industrial Relations

Brenda Council

Nebraska Boiler Safety Code Advisory Board

James E. Marvin

(Signed) Floyd P. Vrtiska, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 306. Introduced by Kristensen, 37.

WHEREAS, Charles W. Durham and the late Margre H. Durham have served as pillars of community service in Omaha for many years; and

WHEREAS, Charles made his mark in the world through his extensive international engineering and architectural firm, and has given generously of his time and leadership to civic organizations that have benefited many Nebraskans; and

WHEREAS, Margre worked with many organizations in the arenas of education, art, children, and health services; and

WHEREAS, the NEBRASKAlander Award is presented to Charles W. Durham and the late Margre H. Durham for their service to our state's social, historical, cultural, and economic well-being; and

WHEREAS, the Wagonmaster Award is presented to former Governor Kay Orr in appreciation of her public service in Nebraska and her leadership as the nation's first female Republican Governor elected into office; and

WHEREAS, the Trailblazer Award is presented to Ken Wortman for his leadership and commitment to education, community service, and economic development in the community of Aurora and across the state; and

WHEREAS, the Pioneer Award is presented to Diane Nelson for capturing the spirit of Nebraska's heritage through her hard work as former First Lady of Nebraska in the restoration of the Governor's residence and with her continuing service to the community.

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

1. That the Legislature extend 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.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 1004:

(Amendment, AM2483, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Raikes filed the following amendment to LB 715:

(Amendment, AM2536, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Thompson filed the following amendment to LB 1018:

(Amendment, AM2498, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Beutler filed the following amendment to LB 1018:

AM2544

(Amendments to E & R amendments, AM7201)

- 1 1. On page 12, line 11, after "facility" insert ",
- 2 except that a manufacturer or distributor may hold stock in a
- 3 publicly held franchise, franchisee, or consumer care or service
- 4 facility so long as the manufacturer or distributor does not by
- 5 virtue of holding such stock operate or control the franchise,
- 6 franchisee, or consumer care or service facility".

Senator Bromm filed the following amendment to LB 1018:

AM2548

(Amendments to E & R amendments, AM7201)

- 1 1. On page 15, line 17, strike "by" and insert
- 2 "through".

Senator Bromm filed the following amendment to LB 155:

AM2549

(Amendments to E & R amendments, AM7199)

- 1 1. On page 6, line 8, strike "two" and insert "one and
- 2 ninety-hundredths".

Senator Suttle filed the following amendment to LB 925:

AM2504

- 1 1. On page 3, line 17, after "license," insert
- 2 "accredit, qualify for accreditation,".
- 3 2. On page 4, line 5, after "years" insert ", except
- 4 that if the child care facility is (a) accredited under section
- 5 43-2620 or becomes accredited under section 43-2620 during the
- 6 three-taxable-year period and (b) the accreditation is maintained
- 7 throughout the tax years during which the credit is taken, the
- 8 credit may be taken for an additional consecutive three taxable
- 9 years after the end of the third taxable year for which a credit
- 10 has first been taken under this section".

Senator Thompson filed the following amendment to LB 652:

AM2526

(Amendments to AM2267)

- 1 1. On page 3, lines 10 through 13, reinstate the
 2 stricken matter.
 3 2. On page 19, line 13, strike "July 1, 2001" and insert
 4 "January 1, 2002".

Senator Thompson filed the following amendment to LB 652A:
 AM2537

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. There is hereby appropriated \$215,460 from
 4 the General Fund and \$323,190 federal funds for FY2001-02 to the
 5 Department of Health and Human Services Finance and Support, for
 6 Program 348, to aid in carrying out the provisions of Legislative
 7 Bill 652, Ninety-sixth Legislature, Second Session, 2000.
 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.
 11 Sec. 2. There is hereby appropriated \$3,039,157 from the
 12 General Fund for FY2001-02 to the Department of Health and Human
 13 Services, for Program 250, to aid in carrying out the provisions of
 14 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
 15 2000.
 16 Total expenditures for permanent and temporary salaries
 17 and per diems from funds appropriated in this section shall not
 18 exceed \$158,520 for FY2001-02.
 19 Sec. 3. There is hereby appropriated \$100,000 from the
 20 General Fund for FY2001-02 to the Department of Correctional
 21 Services, for Program 370, to aid in carrying out the provisions of
 22 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
 23 2000.
 24 Total expenditures for permanent and temporary salaries
 1 and per diems from funds appropriated in this section shall not
 2 exceed \$64,344 for FY2001-02."

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 1401. Placed on General File as amended.
 Standing Committee amendment to LB 1401:
 AM2545

- 1 1. Insert the following new section:
 2 "Sec. 3. Section 79-234, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-234. (1) An enrollment option program is hereby
 5 established to enable any kindergarten through twelfth grade
 6 Nebraska student to attend a school in a Nebraska public school
 7 district in which the student does not reside subject to the
 8 limitations prescribed in section 79-238. The option shall be
 9 available only once to each student prior to graduation unless (a)

10 the student relocates in a different resident school district, (b)
11 the option school district merges with another district, or (c) the
12 option school district is a Class I district. The option student
13 shall be given the option to attend school in another district at
14 the time of relocation or merger or upon completion of the grades
15 offered at the Class I district. If the option school district
16 merges with another district, the option student may continue the
17 first option and use the second option at a later time.

18 (2) The program shall not apply to (a) any student who
19 resides in a Class I district which has not affiliated and which
20 contracts or has contracted in either or both of the two prior
21 school years with another district or districts in such student's
22 grade level pursuant to section 79-598 or (b) any student who
23 resides in a district which has entered into an annexation
24 agreement pursuant to section 79-473, except that such student may
1 transfer to another district which accepts option students."

2 2. On page 26, strike beginning with the underscored
3 comma in line 21 through the underscored comma in line 22; in line
4 23 after the period insert "For school fiscal year 2001-02 the
5 maximum levy for purposes of this section shall be one dollar and
6 ten cents."; and in line 24, strike "subsection (2)", show as
7 stricken, and insert "subsections (2) and (4)".

8 3. On page 28, line 4, after "(4)" insert "Beginning
9 with aid to be paid in school fiscal year 2001-02, the limitations
10 contained in subsection (3) of this section shall not apply to
11 local systems that received less than twenty percent of their
12 general fund operating expenditures from property taxes. Local
13 systems that are exempt from the limitations of subsection (3) of
14 this section are subject to all other limitations on aid and shall
15 not receive equalization aid in an amount greater than the
16 district's general fund operating expenditures.
17 (5)".

18 4. On page 29, strike beginning with the underscored
19 comma in line 7 through the underscored comma in line 8; and in
20 line 9 after the period insert "For school fiscal year 2001-02 the
21 maximum levy for purposes of this section shall be one dollar and
22 ten cents.".

23 5. On page 35, line 12, after "annually" insert "and may
24 meet more often upon the call of the chairperson".

25 6. On page 37, line 18, after "district" insert
26 "qualified for such funds based on intent to merge, consolidate, or
27 unify and".

1 7. On page 51, line 23, after "sections" insert
2 "79-234,".

3 8. Renumber the remaining sections accordingly.

(Signed) Ardyce L. Bohlke, Chairperson

WITHDRAW - Cointroducer

Senator Schmitt withdrew his name as cointroducer to LB 1234.

MOTION - Adjournment

Senator Robak moved to adjourn until 9:00 a.m., Friday, February 25, 2000. The motion failed with 14 ayes, 20 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 659. Senator Robak requested a record vote on the advancement of the bill.

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

Senator Lynch requested a roll call vote on the advancement of the bill.

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

Voting in the affirmative, 22:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Connealy	Crosby	Hartnett
Janssen	Kiel	Kristensen	Pedersen, Dw.	Preister
Quandahl	Schrock	Smith	Suttle	Thompson
Vrtiska	Wehrbein			

Voting in the negative, 15:

Coordsen	Dickey	Dierks	Hudkins	Jensen
Jones	Kremer	Landis	Price	Redfield
Robak	Schimek	Stuhr	Tyson	Wickersham

Present and not voting, 8:

Bromm	Brown	Byars	Chambers	Lynch
Matzke	Raikes	Schmitt		

Absent and not voting, 1:

Cudaback

Excused and not voting, 3:

Engel	Hilgert	Pederson, D.
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Failed to advance to E & R for engrossment with 22 ayes, 15 nays, 8 present and not voting, 1 absent and not voting, and 3 excused and not voting.

VISITORS

Visitors to the Chamber were Brad Adams from Spencer; 30 members of United Chamber of Commerce from Scottsbluff, Gering, Mitchell, Minatare, Morrill, Bridgeport, and Kimball; 40 ninth through twelfth grade students and teacher from Grand Island Senior High School; Dorothy Elias from Omaha; and 40 fourth grade students and teachers from Louisville Elementary School.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Friday, February 25, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 25, 2000

PRAYER

The prayer was offered by Reverend James Hawley, First Presbyterian Church, North Platte, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Byars, Engel, and Redfield who were excused; and Senators Beutler, Bromm, Brown, Coordsen, Dierks, Kiel, Lynch, Matzke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

**NOTICE OF COMMITTEE HEARING
Education**

Wednesday, March 22, 2000

1:15 p.m.

Coordinating Commission for Postsecondary Education

Dick Davis

Debra Fischer

Megan Massey

(Signed) Ardyce L. Bohlke, Chairperson

**STANDING COMMITTEE REPORTS
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
Greg Stine

Public Employees Retirement Systems Board
Rick Black
Daniel Contonis

VOTE: Aye: Senators Crosby, Stuhr, Wickersham, and Wehrbein. Nay: None. Absent: Senators Bruning and Bourne.

(Signed) Elaine R. Stuhr, 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.

Nebraska State Emergency Response Commission
Rick Kuckkahn

VOTE: Aye: Senators Aguilar, Janssen, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: Senator Cudaback.

(Signed) DiAnna R. Schimek, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1104. Placed on General File as amended.
Standing Committee amendment to LB 1104:
AM2288

11. On page 5, strike beginning with "The" in line 9
2 through line 20 and insert "The county deferred compensation plan
3 may allow individuals to transfer amounts deferred under the state
4 deferred compensation plan to the county deferred compensation plan
5 when an individual terminates participation in the state deferred
6 compensation plan and begins participation in the county deferred
7 compensation plan. In such a case, the county deferred
8 compensation plan shall accept transfers of assets from the state
9 deferred compensation plan. Such transfers of assets shall be
10 completed within ninety days after the date the individual
11 terminates participation in the state deferred compensation plan."

LEGISLATIVE BILL 545. Indefinitely postponed.

(Signed) Elaine R. Stuhr, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1060. Indefinitely postponed.
LEGISLATIVE BILL 1127. Indefinitely postponed.
LEGISLATIVE BILL 1156. Indefinitely postponed.
LEGISLATIVE BILL 1176. Indefinitely postponed.
LEGISLATIVE BILL 1177. Indefinitely postponed.
LEGISLATIVE BILL 1256. Indefinitely postponed.
LEGISLATIVE BILL 1318. Indefinitely postponed.
LEGISLATIVE BILL 1389. Indefinitely postponed.
LEGISLATIVE BILL 1402. Indefinitely postponed.
LEGISLATIVE BILL 1440. Indefinitely postponed.
LEGISLATIVE BILL 1442. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 24, 2000, in accordance with Sections 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bentjen, Charles J. – Lincoln; Nebraska Synod, ELCA
Hallstrom, Robert J. – Lincoln; HLR Service Corporation
McGee, John A. – Houston, TX; CSC Credit Services
Mueller, William J. – Lincoln; Western Sugar Company (Withdrawn
02/22/2000)
Ruth, Larry L. – Lincoln; Western Sugar Company (Withdrawn 02/22/2000)
Schmit Industries, Inc. – Lincoln; Allied Gaming Incorporated

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 768: Health and Human Services System Partnership Council - Ella Ochoa and Kathy Moore; Policy Secretary, Health and Human Services System - Chris Peterson; and Board of Health - Linda Lazure.

Senator Wickersham requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 768:

Policy Secretary, Health and Human Services System - Chris Peterson.

Voting in the affirmative, 36:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Chambers	Connealy	Crosby
Cudaback	Dickey	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Schimek	Schmitt	Schrock
Smith	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 3:

Coordsen	Stuhr	Vrtiska
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Excused and not voting, 10:

Bromm	Brown	Byars	Dierks	Engel
Kiel	Lynch	Matzke	Redfield	Robak

The appointment was confirmed with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

The second division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 768: Health and Human Services System Partnership Council - Ella Ochoa and Kathy Moore; and Board of Health - Linda Lazure.

Voting in the affirmative, 34:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Chambers	Connealy	Crosby
Cudaback	Dickey	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Pederson, D.	Preister	Price	Quandahl	Raikes
Schimek	Schmitt	Schrock	Smith	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 5:

Coordsen	Hartnett	Pedersen, Dw.	Stuhr	Vrtiska
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Excused and not voting, 10:

Bromm	Brown	Byars	Dierks	Engel
Kiel	Lynch	Matzke	Redfield	Robak

The appointments were confirmed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 774: State Personnel Board - Samuel F. Seever.

Voting in the affirmative, 33:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bruning	Crosby	Cudaback	Dickey	Hartnett
Hilgert	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Schimek
Schmitt	Schrock	Smith	Suttle	Thompson
Tyson	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Beutler	Connealy	Coordsen	Stuhr	Vrtiska
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Excused and not voting, 10:

Bromm	Brown	Byars	Dierks	Engel
Hudkins	Lynch	Matzke	Redfield	Robak

The appointment was confirmed with 33 ayes, 1 nay, 5 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1243A. 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 1436A. Title read. Considered.

Senators Bruning, Brashear, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 715. The Standing Committee amendment, AM0834, printed separately and referred to on page 1028, First Session, 1999, and considered on page 776, was renewed.

Senator Raikes withdrew his amendment, AM2404, printed separately and referred to on page 674 and considered on page 776.

Senator Raikes renewed his pending amendment, AM2536, printed separately and referred to on page 797, to the Standing Committee amendment.

Senators Dickey and Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Raikes amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Pending.

MOTION - Print in Journal

Senators Schimek and Janssen filed the following motion to LR 289CA:
Place LR 289CA on General File pursuant to Rule 3, Section 19(b).

RESOLUTIONS

LEGISLATIVE RESOLUTION 307. Introduced by Wickersham, 49.

WHEREAS, Taryn Retzlaff, an esteemed resident of Rushville, Nebraska, has achieved national recognition for exemplary volunteer service by receiving a 2000 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. Retzlaff earned this award by giving generously of her time and energy; 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. Retzlaff 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, SECOND SESSION:

1. That the Legislature congratulates and honors Ms. Retzlaff 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 the resolution be sent to Taryn Retzlaff.

Laid over.

LEGISLATIVE RESOLUTION 308. Introduced by Price, 26.

WHEREAS, Rev. Howard and Mary Holverson of Lincoln, Nebraska, celebrated their 68th wedding anniversary on January 22, 2000; and

WHEREAS, the Holversons were married on January 22, 1932, in Beaver City, Nebraska, and have three children, nine grandchildren, and eleven great-grandchildren; and

WHEREAS, from 1933 to 1976 Rev. Holverson, an ordained minister, and Mrs. Holverson served Christian Church congregations in Nebraska, Kansas, Oklahoma, and Kentucky in a variety of ways, while raising their family and caring for ailing parents; and

WHEREAS, the Holversons retired to Lincoln, Nebraska, in 1976, where they now live.

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

1. That the Legislature congratulates Rev. Howard and Mary Holverson on their 68th wedding anniversary.

2. That a copy of this resolution be sent to Howard and Mary Holverson.

Laid over.

AMENDMENTS - Print in Journal

Senator Preister filed the following amendment to LB 717A:
AM2543

1 1. Insert the following new section:

2 "Sec. 3. There is hereby appropriated (1) \$16,040 from
3 the General Fund for FY2000-01 and (2) \$13,871 from the General
4 Fund for FY2001-02 to the Military Department, for Program 545, to
5 aid in carrying out the provisions of Legislative Bill 717,
6 Ninety-sixth Legislature, Second Session, 2000.

7 Total expenditures for permanent and temporary salaries
8 and per diems from funds appropriated in this section shall not
9 exceed \$7,874 for FY2000-01 or \$8,104 for FY2001-02."

Senator Bromm filed the following amendment to LB 349:
AM2551

1 1. On page 4, line 12, strike "2000" and insert "2001".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1363A. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1363, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 1239. Placed on General File.

LEGISLATIVE BILL 1249. Placed on General File.

LEGISLATIVE BILL 358. Placed on General File as amended.

Standing Committee amendment to LB 358:

AM2528

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 60-6,279, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 60-6,279. (1) A person shall not operate or be a
- 6 passenger on a motorcycle or moped on any highway in this state
- 7 unless such person is wearing a protective helmet of the type and
- 8 design manufactured for use by operators of such vehicles and
- 9 unless such helmet is secured properly on his or her head with a
- 10 chin strap while the vehicle is in motion, except that a person who
- 11 holds a Class M operator's license and who is twenty-one years of
- 12 age or older shall not be required to wear such a helmet if the
- 13 person holds a certificate approved by the Department of Motor
- 14 Vehicles showing that he or she has successfully completed a
- 15 motorcycle safety course under the Motorcycle Safety Education Act
- 16 at least one year prior to the date in question.
- 17 All such protective helmets shall be designed to reduce
- 18 injuries to the user resulting from head impacts and shall be
- 19 designed to protect the user by remaining on the user's head,
- 20 deflecting blows, resisting penetration, and spreading the force of
- 21 impact. Each such helmet shall consist of lining, padding, and
- 22 chin strap and shall meet or exceed the standards established in
- 23 the United States Department of Transportation's Federal Motor
- 24 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
- 1 helmets.
- 2 Sec. 2. Original section 60-6,279, Reissue Revised
- 3 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 1317. Placed on General File as amended.

(Standing Committee amendment, AM2481, may be found in the Bill

Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Curt Bromm, Chairperson

Urban Affairs

LEGISLATIVE BILL 1098. Placed on General File as amended.
Standing Committee amendment to LB 1098:
AM2459

1 1. On page 6, strike lines 6 through 10; strike
2 beginning with "levy" in line 12 through the comma in line 14 and
3 insert "dedicate a portion of its property tax levy authority as
4 provided in section 77-3442 to meet debt service obligations under
5 the bonds,".

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 994. Placed on Select File as amended.
(E & R amendment, AM7208, 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 1243. Placed on Select File as amended.
E & R amendment to LB 1243:
AM7209

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 79-1115, Revised Statutes
4 Supplement, 1998, is amended to read:
5 79-1115. Allowable costs means:
6 (1) For school fiscal years prior to school fiscal year
7 1999-00, salaries, wages, benefits, and maintenance, supplies,
8 travel, and other expenses essential to carry out the provisions
9 for special education and support services; and
10 (2) For school fiscal year 1999-00 and each school fiscal
11 year thereafter, salaries, wages, benefits, any medical expenditure
12 by a school district for purposes of providing individualized
13 education plan services for a special education student and health
14 protection to the provider of the services, and maintenance,
15 supplies, travel, and other expenses essential to carry out the
16 provisions for special education and support services.
17 Sec. 2. Section 79-1145, Revised Statutes Supplement,
18 1999, is amended to read:
19 79-1145. For each fiscal year, the aggregate amount of
20 General Funds appropriated for special education programs and

21 support services pursuant to sections 79-1129, 79-1132, and 79-1144
22 shall not exceed the aggregate amount of General Funds appropriated
23 pursuant to such sections for the previous fiscal year, multiplied
24 by one plus a rate of ~~three~~ five percent.

1 Sec. 3. Original section 79-1115, Revised Statutes

2 Supplement, 1998, and section 79-1145, Revised Statutes Supplement,
3 1999, are repealed."

LEGISLATIVE BILL 557. Placed on Select File as amended.

E & R amendment to LB 557:

AM7207

1 1. Because of the passage of Laws 1999, LB 87, and Laws
2 1999, LB 232, strike the original sections and all amendments
3 thereto and insert the following new sections:

4 "Section 1. Section 77-2704.15, Revised Statutes

5 Supplement, 1999, is amended to read:

6 77-2704.15. (1) Sales and use taxes shall not be imposed
7 on the gross receipts from the sale, lease, or rental of and the
8 storage, use, or other consumption in this state of purchases by
9 the state, including public educational institutions recognized or
10 established under the provisions of Chapter 85, or by any county,
11 township, city, village, rural or suburban fire protection
12 district, city airport authority, county airport authority, joint
13 airport authority, natural resources district, or joint entity or
14 agency formed to fulfill the purposes described in the Integrated
15 Solid Waste Management Act by any combination of two or more
16 counties, townships, cities, or villages pursuant to the Interlocal
17 Cooperation Act, the Integrated Solid Waste Management Act, or the
18 Joint Public Agency Act, except for purchases for use in the
19 business of furnishing gas, water, electricity, or heat, or by any
20 irrigation or reclamation district, the irrigation division of any
21 public power and irrigation district, or public schools established
22 under Chapter 79.

23 (2) The appointment of purchasing agents shall be

24 recognized for the purpose of altering the status of the

1 construction contractor as the ultimate consumer of property which
2 is physically annexed to the structure and which subsequently
3 belongs to the state or the governmental unit. The appointment of
4 purchasing agents shall be in writing and occur prior to having any
5 property annexed to real estate in the construction, improvement,
6 or repair. The contractor who has been appointed as a purchasing
7 agent may apply for a refund of or use as a credit against a future
8 use tax liability the tax paid on inventory items annexed to real
9 estate in the construction, improvement, or repair of a project for
10 the state or a governmental unit.

11 (3) Any governmental unit listed in subsection (1) of

12 this section, except the state, which enters into a contract of
13 construction, improvement, or repair upon property annexed to real
14 estate without first issuing a purchasing agent authorization to a

15 contractor or repairperson prior to property being annexed to real
16 estate in the project may apply to the Tax Commissioner for a
17 refund of any sales and use tax paid by the contractor or
18 repairperson on the property physically annexed to real estate in
19 the construction, improvement, or repair.
20 Sec. 2. This act becomes operative on October 1, 2000.
21 Sec. 3. Original section 77-2704.15, Revised Statutes
22 Supplement, 1999, is repealed."
23 2. On page 1, line 2, strike "Reissue Revised Statutes
24 of Nebraska" and insert "Revised Statutes Supplement, 1999"; and in
25 line 4 after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 717A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 715. The Standing Committee amendment, AM0834, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 5 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 652. E & R amendment, AM7193, found on page 692, was adopted.

Senator Thompson renewed her pending amendment, AM2526, found on page 797.

SENATOR CUDABACK PRESIDING

Senators Tyson and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

The Thompson amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

AMENDMENT – Print in Journal

Senator Beutler filed the following amendment to LB 414:
AM2565

1. In AM2008, strike amendment 5.
2. On page 5, strike beginning with "I" in line 4

3 through line 9 and insert "If the clerk declines the position or
 4 upon further vacancy, the clerk of the courts shall be appointed,
 5 pursuant to the personnel rules of the Supreme Court, by a majority
 6 of the district judges of the judicial district, with the
 7 concurrence of the majority of the county judges of the judicial
 8 district:".

REPORTS

The following reports were received by the Legislature:

Ethanol Board

Ethanol Producer Incentive Cash Fund Summary
 Ethanol Production Incentive Credit Summary
 EPIC Fund Cash Flow Projection

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
 December 17, 1999

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1267. Placed on General File.

LEGISLATIVE BILL 1387. Placed on General File as amended.

Standing Committee amendment to LB 1387:

AM2475

- 1 1. On page 3, line 28, after "guardian" insert
- 2 "appointed by a court of competent jurisdiction".
- 3 2. On page 4, strike beginning with "who" in line 1
- 4 through "minor" in line 2; and in line 2 after the period insert
- 5 "In addition, any person appointed to serve as agent under a valid
- 6 durable power of attorney pursuant to the Uniform Durable Power of
- 7 Attorney Act may represent any person entitled to receive
- 8 statements of account activity:".

(Signed) David M. Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 1234. Placed on General File as amended.

Standing Committee amendment to LB 1234:

AM2553

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) Except as otherwise provided in this
- 4 section, all gasoline offered for sale, sold, or dispensed for use
- 5 as motor fuel in Nebraska shall, beginning January 1, 2001, contain

6 a renewable fuel content equal to or greater than three and
7 one-half percent weight oxygen. For purposes of this section,
8 renewable fuel means fuel made from renewable sources such as
9 ethanol produced from corn, sorghum, and biomass.
10 (2) Gasoline shall be exempt from the requirements of
11 subsection (1) of this section if it is (a) a premium grade fuel
12 containing ninety-one or more octane or (b) offered for sale, sold,
13 or dispensed for use at an airport in aircraft.
14 Sec. 2. The Department of Revenue shall monitor
15 wholesale terminal prices of gasoline offered for sale, sold, or
16 dispensed pursuant to section 1 of this act. If at any time the
17 wholesale price of blended renewable fuel is more than the
18 wholesale price of premium grade fuel, the department shall cause
19 the renewable fuel content to be adjusted to reduce the wholesale
20 price differential. The wholesale price differential shall be
21 based upon the Axxis Petroleum Rack Price Report or other commonly
22 used wholesale price reports as determined by the department.
23 Sec. 3. The Attorney General shall enforce sections 1
24 and 2 of this act and may:
1 (1) Subpoena witnesses, compel their attendance, examine
2 them under oath, and require the production of documents, records,
3 or tangible things deemed relevant to the proper performance of his
4 or her duties. Service of any subpoena shall be made in the manner
5 prescribed by the rules of civil procedure;
6 (2) Bring suit to enjoin a violation or threatened
7 violation of section 1 of this act. Venue for such action shall be
8 in the county in which the alleged violation occurred, is
9 occurring, or is threatening to occur, or in Lancaster County; and
10 (3) Impose or levy an administrative fine of not more
11 than one thousand dollars on any person who has violated section 1
12 of this act. Any separate activity or day in which an activity
13 takes place shall be considered to be a separate violation.
14 Sec. 4. On or before December 1 of each year, the
15 Department of Revenue shall issue a report to the Legislature
16 regarding its duties pursuant to section 2 of this act.
17 Sec. 5. This act becomes operative on January 1, 2001.
18 Sec. 6. The following section is outright repealed:
19 Section 66-1225, Reissue Revised Statutes of Nebraska."

LEGISLATIVE BILL 1343. Placed on General File as amended.
Standing Committee amendment to LB 1343:
AM2554

1 1. Strike original section 1 and insert the following
2 new section:
3 "Section 1. Section 2-3218, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 2-3218. Board members shall be compensated for their
6 actual and necessary expenses incurred in connection with their
7 duties. Each board may provide a per diem payment for directors of

8 not to exceed ~~fifty~~ seventy dollars for each day that such director
9 attends meetings of the board or is engaged in matters concerning
10 the district, but no director shall receive more than two thousand
11 eight hundred dollars in any one year. Such per diem payments
12 shall be in addition to and separate from compensation for
13 expenses."

LEGISLATIVE BILL 903. Indefinitely postponed.

LEGISLATIVE BILL 1184. Indefinitely postponed.

LEGISLATIVE BILL 1244. Indefinitely postponed.

LEGISLATIVE BILL 1266. Indefinitely postponed.

LEGISLATIVE BILL 1359. Indefinitely postponed.

LEGISLATIVE BILL 1395. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

VISITORS

Visitors to the Chamber were 63 members of Singles in Agriculture; 40 fourth grade students and teachers from Lincoln Elementary School, Beatrice; 75 students and teachers from Hamlow Elementary School, Waverly; and Nadine DiBacco from Gering.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Monday, February 28, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 28, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 28, 2000

PRAYER

The prayer was offered by Dr. James Brewer, First United Methodist Church, Waverly, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Bromm, Brown, Byars, Dierks, Kiel, Kristensen, Landis, Matzke, Robak, Schimek, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

MESSAGES FROM THE GOVERNOR

February 25, 2000

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 510 without my signature and with my objections.

The reasons for my veto of the legislation center upon my belief that this measure is not necessary and will interfere with the balance of elected representation between the State's non-partisan Unicameral and the

constitutional officers who are elected on the basis of party affiliation.

Nebraska's statewide constitutional officers have been elected under a party system since our inception as a state in 1867. Our democratic republic was designed in a very deliberate manner. Even when Nebraskans voted to change from a bicameral to a unicameral Legislature, and to elect representatives from the Legislature on a non-partisan basis, the election of statewide constitutional officers under a party system was left intact. I firmly believe that this deliberate design has brought about the appropriate balance of electing members of the Legislature and the constitutional officers.

Nebraska's system has worked well. There is no need to separate out the Attorney General for election on a non-partisan basis. I urge the Legislature to sustain my veto of LB 510.

Sincerely,
(Signed) Mike Johanns
Governor

February 25, 2000

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 a member of the Coordinating Commission for Post-Secondary Education:

APPOINTEE:
Earl Scudder, 9301 Pioneer Blvd, Lincoln NE 68520

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1436A. Placed on Select File.

LEGISLATIVE BILL 1243A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 919. Indefinitely postponed.
LEGISLATIVE BILL 1173. Indefinitely postponed.
LEGISLATIVE BILL 1307. Indefinitely postponed.
LEGISLATIVE BILL 1372. Indefinitely postponed.
LEGISLATIVE BILL 1438. Indefinitely postponed.

LEGISLATIVE RESOLUTION 299. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

MOTION - Approve Appointment

Senator Jones moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointment found on page 783: Nebraska Transit and Rail Advisory Council - Roberto Munguia.

Voting in the affirmative, 30:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Bruning	Connealy	Cudaback	Dickey
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Lynch	Pederson, D.	Preister
Price	Quandahl	Raikes	Schmitt	Smith
Stuhr	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Coordsen	Crosby	Jensen
Redfield	Schrock	Vrtiska		

Excused and not voting, 11:

Brown	Byars	Dierks	Kiel	Kristensen
Landis	Matzke	Pedersen, Dw.	Robak	Schimek
Tyson				

The appointment was confirmed with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 291CA. Read. Considered.

The Standing Committee amendment, AM2231, found on page 551, was

adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 961. Placed on General File.

LEGISLATIVE BILL 1382. Placed on General File.

LEGISLATIVE BILL 1092. Placed on General File as amended.

Standing Committee amendment to LB 1092:

AM2552

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

3 "Sec. 2. It is the intent of the Legislature that
4 beginning August 1, 2001, the Department of Agriculture shall
5 implement a pilot program of state meat inspection at
6 establishments, as defined by section 54-1902, which process meat,
7 poultry, or meat and poultry products for human consumption for
8 entry into intrastate commerce. It is the intent of the
9 Legislature that such program of meat and poultry inspection shall
10 be limited to small-to-medium size establishments as determined by
11 rule and regulation of the department according to killing capacity
12 or weight or volume of product produced under inspection.

13 Sec. 3. The Department of Agriculture shall employ a
14 program administrator who shall be responsible for all aspects of
15 developing, implementing, and operating a state meat inspection
16 program. Such administrator shall coordinate all activities
17 necessary, including cooperation with the United States Secretary
18 of Agriculture, in order to prepare a state performance plan which
19 meets the federal requirements for certification of a state program
20 of meat and poultry inspection and includes requirements for ante
21 mortem and post mortem inspection, reinspection, sanitation, and
22 program management at least equal to those imposed under the
23 Federal Meat Inspection Act, 21 U.S.C. 601 et seq., and the Poultry
24 Products Inspection Act, 21 U.S.C. 451 et seq. The state may enter
1 into cooperative agreements with the United States Secretary of
2 Agriculture for financial, technical, and other assistance in order
3 to develop and maintain a state program of meat and poultry
4 inspection.

5 Sec. 4. On or before December 15, 2000, the Department
6 of Agriculture and the Agriculture Committee of the Legislature
7 shall provide a report to the Legislature which shall enumerate and
8 describe any actions necessary to implement a state pilot program
9 of meat and poultry inspection. The report shall recommend any
10 necessary changes to the Nebraska Meat and Poultry Inspection Law,
11 other statutory authority of the department, and any rules and

12 regulations promulgated thereto in order to effect the purposes of
13 section 2 of this act and to meet requirements for ante mortem and
14 post mortem inspection, reinspection, sanitation, and program
15 management requirements at least equal to those imposed under the
16 Federal Meat Inspection Act, 21 U.S.C. 601 et seq., and the federal
17 Poultry Products Inspection Act, 21 U.S.C. 451 et seq. The report
18 shall discuss anticipated participation in the program, including
19 the types and numbers of establishments where state meat and
20 poultry inspection would be maintained, and shall include a
21 detailed description of anticipated resources required to develop
22 and maintain a program of meat inspection.

23 Sec. 5. (1) Except as provided in subsection 2 of this
24 section, the state meat inspection pilot program shall terminate on
25 January 1, 2005. At the conclusion of the third year of the pilot
26 program, the Department of Agriculture and the Department of
27 Economic Development shall evaluate the number of establishments
1 which have become state-inspected facilities, the number of animals
2 being processed at such establishments, and the economic impact of
3 plants utilizing the state meat inspection pilot program. The
4 departments shall report the results of the evaluation to the
5 Governor and the Legislature within six months after commencing the
6 evaluation.

7 (2) If state meat inspection is being maintained at fewer
8 than five establishments on or after August 1, 2003, the state meat
9 inspection pilot program shall be terminated. If the program is to
10 be terminated, inspection may continue at state inspected
11 establishments for a period of time necessary to enable such
12 establishments to process any remaining inventories, but such
13 period shall not be longer than two weeks."

LEGISLATIVE BILL 1009. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Health and Human Services

LEGISLATIVE BILL 1210. Placed on General File.

LEGISLATIVE BILL 1212. Placed on General File.

LEGISLATIVE BILL 1261. Placed on General File.

LEGISLATIVE BILL 1298. Placed on General File.

LEGISLATIVE BILL 1366. Placed on General File.

LEGISLATIVE BILL 1264. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 291CA. Considered.

Senator Chambers moved to indefinitely postpone LR 291CA.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion #00014

DATE: February 23, 2000

SUBJECT: Constitutionality Under Neb. Const. art. III, § 24, of LB 659 and LB 560

REQUESTED BY: Senator Jim Jensen
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the validity under Neb. Const. art. III, § 24, of two bills currently before the Legislature (LB 659 and LB 560) proposing to expand the manner in which certain gambling activities may be conducted in Nebraska. LB 659 proposes to authorize the use of "electronic pickle card dispensing devices." LB 560 proposes to amend the Nebraska County and City Lottery Act to provide that, in addition to the "paper ticket" form of keno currently authorized, "magnetically recorded tickets" could be utilized to select numbers to play keno. Your question is whether, in light of prior opinions of this office addressing the constitutionality of proposed legislation attempting to authorize the use of "electronic" or "video" gambling devices, the forms of gambling proposed in LB 659 and LB 560 are consistent with the Legislature's power to authorize "lotteries" for "charitable or community betterment purposes" under art. III, § 24.¹

I. LB 659 - "ELECTRONIC" PICKLE CARD DISPENSING DEVICES

In Op. Att'y Gen. No. 97013 (February 28, 1997), we addressed whether legislation proposing to amend the Nebraska Pickle Card Lottery Act to allow the use of "electronic" pickle cards which would be "electronically open[ed]. . . by moving a finger or other physical object over the face of the displayed pickle card" was a lawful form of "lottery," or a prohibited "game of chance" under art. III, § 24. We noted that one bill before the Legislature proposing to authorize use of an "electronic pickle card" device (LB 522) did not provide for the dispensing of a physical card or ticket to the player. We concluded that, "[b]ecause of the absence of a physical card or ticket, . . ., it [was] questionable whether the 'electronic' pickle card play proposed

under LB 522 [could] be considered a permissible form of 'lottery' under art. III, § 24." Op. Att'y Gen. No. 97013 at 8. We also noted, however, that another bill which proposed to amend the Nebraska Pickle Card Lottery Act (LB 723), while it allowed the use of video pickle card display devices, "continue[d] to require that the player receive a physical card or ticket, to be opened by the player." *Id.* In that case, we concluded that "the video display of the contents of the ticket could be viewed as a legitimate form of technological aid or enhancement to play, with the physical card or ticket remaining as an element of the lottery." *Id.* Thus, we found that the "use of video enhancement in the play of the game in this manner, while retaining the physical card or ticket element, would be consistent with the type of 'lottery' which the Legislature may authorize under art. III, § 24." *Id.*

LB 659 proposes to permit the use of "electronic pickle card dispensing devices which provide for the electronic opening of a pickle card by moving a finger or other physical object over the pickle card which is electronically displayed." LB 659, § 1. The electronic dispensing device "shall issue a ticket which provides tangible evidence of participation and which bears the name and state identification number of the licensed organization, the date and time of purchase, whether the ticket is a winning or losing ticket, and if it is a winning ticket, the amount of the prize and a secure electronic code that must be validated and redeemed by the cashier on the premises." *Id.* No electronic pickle card dispensing device "shall dispense coins, currency, or tokens." *Id.*

LB 659 is an apparent attempt to address the constitutional objections to LB 522 raised in our prior opinion. While permitting the use of "electronic" pickle card devices, LB 659 (unlike LB 522) incorporates a requirement that a "ticket" be dispensed by the device, which, in the case of a winning ticket, must be presented to a cashier on the premises for payment. LB 659 does not, however, provide for the dispensing of a physical ticket which must be opened by the player after video display of a pickle card. In our prior opinion, we concluded that legislation authorizing the use of a video display device, but still providing for the dispensing of a physical ticket to be opened by the player (LB 723), was constitutional. The question which remains is whether the "ticket" provision contained in LB 659 is consistent with the Legislature's power to authorize "lotteries" for charitable or community betterment purposes under art. III, § 24.

In our view, the gambling activity contemplated under LB 659 does not comport with our prior opinion addressing the Legislature's power to authorize "lotteries" for charitable or community betterment purposes. We have previously concluded that art. III, § 24, prohibits the Legislature from authorizing any "game of chance," a broad term which encompasses all forms of gambling containing the elements of prize, chance, and consideration. Op. Att'y Gen. No. 95085 at 22. In construing the authority granted the Legislature in art. III, § 24, to authorize "lotteries" for charitable or community betterment purposes, we have concluded that the term "lottery" "must be interpreted in a narrower sense" than the broad, generic

term "game of chance." We believe that "lotteries" for charitable or community betterment purposes which the Legislature may authorize under art. III, § 24, are limited to "schemes in which tickets or tokens are distributed or sold and prize winners either secretly predetermined or ultimately selected by some form of random drawing." *Id.* at 23. Accordingly, we have taken the position that the Legislature may not permit the use of "slot machines" or other "electronic gaming devices" under the constitutional grant permitting the Legislature to authorize "lotteries" for charitable or community betterment purposes. *Id.* at 24.

The gambling activity that LB 659 would authorize appears, in reality, to constitute an impermissible game of chance, as opposed to a permissible lottery. Previously, as noted, we concluded that use of a video display device to "read" a pickle card ticket, but which actually dispensed a ticket which the player was required to open, was consistent with the type of "lottery" permitted under art. III, § 24. Op. Att'y Gen. No. 97013 at 8. We viewed the video display of the contents of the ticket as a "form of technological aid or enhancement to play, with the physical card or ticket remaining as an element of the lottery." In contrast, the "electronic pickle card devices" proposed in LB 659 do not merely "read" pickle card tickets; in actuality, the devices essentially replace pickle card tickets. Players do not actually "play" pickle card tickets when using these devices; rather, the gambling is conducted solely by play of the electronic device. While the bill purports to provide that winning "tickets" are produced as a result of play of the device, it is apparent that these so-called tickets are nothing more than receipts entitling a player to receive payment. The "ticket" dispensed by the device is not utilized to play the purported "lottery."

The Legislature's power to define terms is limited because the Legislature may not, under the guise of definition: (1) abrogate or contradict an express constitutional provision; or (2) establish a definition which is unreasonable or arbitrary. *See Natural Gas Pipeline Co. v. State Bd. Of Equal.*, 237 Neb. 357, 466 N.W.2d 461 (1991) (Grant, J., concurring); *State ex rel. Meyer v. Peters*, 191 Neb. 330, 215 N.W.2d 520 (1974). Moreover, "[t]he Legislature may not circumvent an express provision of the Constitution by doing indirectly what it may not do directly." *Haman v. Marsh*, 237 Neb. 699, 708, 467 N.W.2d 836, 844 (1991). We believe that the "electronic pickle card dispensing device" proposed under LB 659 does not constitute a permissible "lottery" under art. III, § 24, because play or participation is not truly based on a "ticket," but, rather, on the operation of the electronic device, which determines the winner. In actuality, the term "electronic pickle card dispensing device" is a misnomer, because the device does not, in fact, "dispense" a pickle card. In essence, the devices that would be authorized under LB 659 operate as electronic gambling devices of the type which we have previously concluded cannot be authorized by the Legislature based on the prohibition against "games of chance" under art. III, § 24. It is therefore our opinion that the Legislature may not, as part of a lawful form of pickle card lottery, authorize use of "electronic pickle card dispensing devices" as proposed in LB 659.²

II LB 560 - "ELECTRONIC" KENO

In Op. Att'y Gen. No. 97013, we addressed the validity of proposed amendments to the County and City Lottery Act intended to "permit the use of electronic means to replace the paper ticket requirement which the player currently uses to select his or her numbers, to allow the player to activate the number selection device, [and] to remove the time limits on use of electronic devices. . . ." *Id.* at 9. We concluded as follows:

[I]t is our opinion that the 'electronic' keno proposed . . . does not constitute a form of 'lottery' which the Legislature may authorize under art. III, § 24. The bill proposes to eliminate the current 'paper ticket' requirement, which, of course, is one part of the definition of [a constitutionally permissible lottery]. Of greater significance, however, is the elimination of the 'player-activation' restriction . . . We cannot accept the premise that elimination of the 'player-activation' provision does not 'change the essential nature' of the activity. While it is true that a computer or electronic device may be used to select winning numbers under current law, we believe it is significant that these devices are not activated by the players, but, rather, are used by the keno operator. The concept of individual players activating gambling devices utilizing random-generation of numbers to determine winners at each device is, in our view, inconsistent with what we believe is the narrow manner in which the people, through their Constitution, intended to grant the Legislature power to permit 'lotteries' for community betterment purposes.

Id. at 12-13.

LB 560 proposes to amend the definition of "lottery" permitted under the Nebraska County and City Lottery Act to include keno based on a player's selection of numbers on a paper ticket or a "magnetically recorded ticket." LB 560, § 1. The bill does not, however, define the term "magnetically recorded ticket," nor does it otherwise attempt to explain the manner in which such "magnetically recorded ticket[s]" would be utilized as a permissible form of keno. Absent any such clarification, it is impossible for us to attempt to render an opinion as to the constitutionality of LB 560. To the extent that the bill is intended to authorize a form of electronic keno such as that proposed under former LB 522, we adhere to our prior opinion finding that such legislation was contrary to art. III, § 24. Op. Att'y Gen. No. 97013 at 9-13. Absent additional information regarding the proposed operation of the form of keno proposed under LB 560, we cannot provide further guidance as to the constitutionality of the bill.

¹ We have addressed questions regarding the Legislature's power to permit "electronic" or "video" gambling devices on several occasions. *See* Op. Att'y Gen. No. 95085 (November 8, 1995); Op. Att'y Gen. No. 96007 (January 23, 1996); Op. Att'y Gen. No. 97013 (February 18, 1997).

² Subsequent to receipt of your request, LB 659 was placed on Select File with E & R Amendments. AM 7190. We have reviewed the changes made by AM7190, and conclude that they do not alter our conclusion regarding the constitutionality of the so-called "electronic pickle card dispensing devices."

Sincerely,
DON STENBERG
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

pc: Patrick O'Donnell, Clerk of the Legislature
07-96-18

STANDING COMMITTEE REPORTS General Affairs

LEGISLATIVE BILL 1423. Placed on General File.

LEGISLATIVE BILL 1241. Placed on General File as amended.

Standing Committee amendment to LB 1241:

AM2421

1 1. Strike original sections 1 to 4 and insert the
2 following new sections:
3 "Section 1. Section 9-1,101, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 9-1,101. (1) The Nebraska Bingo Act, the Nebraska County
6 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
7 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
8 Raffle Act, and section 9-701 shall be administered and enforced by
9 the Charitable Gaming Division of the Department of Revenue, which
10 division is hereby created. The Department of Revenue shall make
11 annual reports to the Governor, Legislature, Auditor of Public
12 Accounts, and Attorney General on all tax revenue received,
13 expenses incurred, and other activities relating to the
14 administration and enforcement of such acts.
15 (2) The Charitable Gaming Operations Fund is hereby
16 created. Any money in the fund available for investment shall be
17 invested by the state investment officer pursuant to the Nebraska
18 Capital Expansion Act and the Nebraska State Funds Investment Act.
19 (3) Forty percent of the taxes collected pursuant to
20 sections 9-239, 9-344, 9-429, and 9-648 shall be available to the
21 Charitable Gaming Division for administering and enforcing the acts
22 listed in subsection (1) of this section and section 81-8,128. The
23 remaining sixty percent, along with any portion of the forty
24 percent not used by the division in its administration and
1 enforcement of such acts or section 81-8,128, shall be transferred
2 to the General Fund. Any portion of the forty percent not used by
3 the division in the administration and enforcement of such acts and

4 section shall be transferred to the Compulsive Gamblers Assistance
5 Fund.

6 (4) The Tax Commissioner shall employ investigators who
7 shall be vested with the authority and power of a law enforcement
8 officer to carry out the laws of this state administered by the Tax
9 Commissioner or the Department of Revenue.

10 (5) The Charitable Gaming Division may charge a fee for
11 publications and listings it produces. The fee shall not exceed
12 the cost of publication and distribution of such items. The
13 division may also charge a fee for making a copy of any record in
14 its possession equal to the actual cost per page. The division
15 shall remit the fees to the State Treasurer for credit to the
16 Charitable Gaming Operations Fund.

17 Sec. 2. Section 9-812, Revised Statutes Supplement,
18 1999, is amended to read:

19 9-812. (1) All money received from the operation of
20 lottery games conducted pursuant to the State Lottery Act in
21 Nebraska shall be deposited in the State Lottery Operation Trust
22 Fund, which fund is hereby created. All payments of expenses of
23 the operation of the lottery games shall be made from the State
24 Lottery Operation Cash Fund. In accordance with legislative
25 appropriations, money for payments for expenses of the division
26 shall be transferred from the State Lottery Operation Trust Fund to
27 the State Lottery Operation Cash Fund, which fund is hereby
1 created. All money necessary for the payment of lottery prizes
2 shall be transferred from the State Lottery Operation Trust Fund to
3 the State Lottery Prize Trust Fund, which fund is hereby created.
4 The amount used for the payment of lottery prizes shall not be less
5 than forty percent of the dollar amount of the lottery tickets
6 which have been sold. At least twenty-five percent of the dollar
7 amount of the lottery tickets which have been sold on an annualized
8 basis shall be transferred from the State Lottery Operation Trust
9 Fund to the Education Innovation Fund, the Nebraska Environmental
10 Trust Fund, and the Compulsive Gamblers Assistance Fund.

11 Forty-nine Of the money available to be transferred to the
12 Education Innovation Fund, the Nebraska Environmental Trust Fund,
13 and the Compulsive Gamblers Assistance Fund, the first five hundred
14 thousand dollars shall be transferred to the Compulsive Gamblers
15 Assistance Fund to be used as provided in sections 83-162.01 to
16 83-162.04. Thereafter, forty-nine and one-half percent of the
17 money remaining after the payment of prizes and operating expenses
18 and the initial transfer to the Compulsive Gamblers Assistance Fund
19 shall be transferred to the Education Innovation Fund. Forty-nine
20 and one-half percent of the money remaining after the payment of
21 prizes and operating expenses and the initial transfer to the
22 Compulsive Gamblers Assistance Fund shall be transferred to the
23 Nebraska Environmental Trust Fund to be used as provided in the
24 Nebraska Environmental Trust Act. One percent of the money
25 remaining after the payment of prizes and operating expenses and

26 the initial transfer to the Compulsive Gamblers Assistance Fund
27 shall be transferred to the Compulsive Gamblers Assistance Fund to
1 be used as provided in sections 83-162.01 to 83-162.04.

2 (2) The Education Innovation Fund is hereby created.

3 Each fiscal year beginning with fiscal year 1994-95, at least
4 seventy-five percent of the lottery proceeds allocated to the
5 Education Innovation Fund shall be available for disbursement. The
6 Education Innovation Fund shall be allocated in the following
7 manner: Up to ten percent to fund the mentor teacher program
8 pursuant to the Quality Education Accountability Act; up to seventy
9 percent as quality education incentives pursuant to the act; and up
10 to twenty percent of the fund shall be allocated by the Governor
11 through incentive grants to encourage the development of strategic
12 school improvement plans by school districts for accomplishing high
13 performance learning and to encourage schools to establish
14 innovations in programs or practices that result in restructuring
15 of school organization, school management, and instructional
16 programs which bring about improvement in the quality of education.
17 Such incentive grants allocated by the Governor are intended to
18 provide selected school districts, teachers or groups of teachers,
19 nonprofit educational organizations, educational service units, or
20 cooperatives funding for the allowable costs of implementing pilot
21 projects and model programs.

22 From the funds allocated by the Governor, minigrants
23 shall be available to school districts to support the development
24 of strategic school improvement plans which shall include
25 statements of purposes and goals for the districts. The plans
26 shall also include the specific statements of improvement or
27 strategic initiatives designed to improve quality learning for
1 every student.

2 In addition to the minigrants granted for the development
3 of strategic school improvement plans, school districts with annual
4 budget expenditures of three hundred fifty thousand dollars or less
5 are eligible for minigrants from the funds allocated by the
6 Governor for the purposes allowed in subdivisions (2)(a) through
7 (q) of this section. The amount of this type of minigrant shall
8 not exceed five thousand dollars. The school district shall
9 present a curriculum support plan with its application for the
10 grant. The curriculum support plan must show how the district is
11 working to achieve one or more of the allowed purposes and how the
12 grant will be used to directly advance the plan to achieve one or
13 more of these purposes. The plan must be signed by the school
14 administrator and a school board representative. The application
15 for the grant shall be brief. The Excellence in Education Council
16 shall select the recipients of this type of minigrant and shall
17 administer such minigrants.

18 From the funds allocated by the Governor, major
19 competitive grants shall be available to support innovative
20 programs which are directly related to the strategic school

21 improvement plans. The development of a strategic school
22 improvement plan by a school district shall be required before a
23 grant is awarded. Annual reports shall be made by program
24 recipients documenting the effectiveness of the program in
25 improving the quality of education as designed in the strategic
26 school improvement plans. Special consideration shall be given to
27 plans which contain public or private matching funds and
1 cooperative agreements, including agreements for in-kind services.
2 Purposes for which such major competitive grants would be offered
3 shall include:

- 4 (a) Professional staff development programs to provide
5 funds for teacher and administrator training and continuing
6 education to upgrade teaching and administrative skills;
- 7 (b) The development of strategic school improvement plans
8 by school districts;
- 9 (c) Educational technology assistance to public schools
10 for the purchase and operation of computers, telecommunications
11 equipment and services, and other forms of technological innovation
12 which may enhance classroom teaching, instructional management, and
13 districtwide administration pursuant to the state's goal of
14 ensuring that all kindergarten through grade twelve public school
15 districts or affiliated school systems have a direct connection to
16 a statewide public computer information network by June 30, 2000.
17 The telecomputing equipment and services needed to meet this goal
18 may be funded under this subsection, sections 79-1241.01, 79-1243,
19 and 79-1310, or any combination of such subsection and sections.
20 Such telecommunications equipment, services, and forms of technical
21 innovation shall be approved by the State Department of Education
22 only after review by the technical panel created in section
23 86-1511;
- 24 (d) An educational accountability program to develop an
25 educational indicators system to measure the performance and
26 outcomes of public schools and to ensure efficiency in operations;
- 27 (e) Alternative programs for students, including
1 underrepresented groups, at-risk students, and dropouts;
- 2 (f) Programs that demonstrate improvement of student
3 performance against valid national and international achievement
4 standards;
- 5 (g) Early childhood and parent education which emphasizes
6 child development;
- 7 (h) Programs using decisionmaking models that increase
8 involvement of parents, teachers, and students in school
9 management;
- 10 (i) Increased involvement of the community in order to
11 achieve increased confidence in and satisfaction with its schools;
- 12 (j) Development of magnet or model programs designed to
13 facilitate desegregation;
- 14 (k) Programs that address family and social issues
15 impairing the learning productivity of students;

- 16 (l) Programs enhancing critical and higher-order thinking
17 capabilities;
- 18 (m) Programs which produce the quality of education
19 necessary to guarantee a competitive work force;
- 20 (n) Programs designed to increase productivity of staff
21 and students through innovative use of time;
- 22 (o) Training programs designed to benefit teachers at all
23 levels of education by increasing their ability to work with
24 educational technology in the classroom;
- 25 (p) Approved accelerated or differentiated curriculum
26 programs under sections 79-1106 to 79-1108.03; and
- 27 (q) Programs for students with disabilities receiving
1 special education under the Special Education Act and students
2 needing support services as defined in section 79-1125.01, which
3 programs demonstrate improved outcomes for students through
4 emphasis on prevention and collaborative planning.
5 The Governor shall establish the Excellence in Education
6 Council. The Governor shall appoint eleven members to the council
7 including representatives of educational organizations,
8 postsecondary educational institutions, the business community, and
9 the general public, members of school boards and parent education
10 associations, school administrators, and at least four teachers who
11 are engaged in classroom teaching. The State Department of
12 Education shall provide staff support for the council to administer
13 the Education Innovation Fund, including the Quality Education
14 Accountability Act. The council shall have the following powers
15 and duties:
- 16 (i) In consultation with the State Department of
17 Education, develop and publish criteria for the awarding of
18 incentive grants allocated by the Governor for programs pursuant to
19 this subsection, including minigrants;
- 20 (ii) Provide recommendations to the Governor regarding
21 the selection of projects to be funded and the distribution and
22 duration of project funding. For projects recommended under
23 subdivision (2)(c) of this section, the council shall also provide
24 recommendations to the Nebraska Information Technology Commission
25 for its review and recommendations to the Governor;
- 26 (iii) Establish standards, formats, procedures, and
27 timelines for the successful implementation of approved programs
1 funded by incentive grants allocated by the Governor from the
2 Education Innovation Fund;
- 3 (iv) Assist school districts in determining the
4 effectiveness of the innovations in programs and practices and
5 measure the subsequent degree of improvement in the quality of
6 education;
- 7 (v) Consider the reasonable distribution of funds across
8 the state and all classes of school districts;
- 9 (vi) Carry out its duties pursuant to the Quality
10 Education Accountability Act; and

11 (vii) Provide annual reports to the Governor concerning
12 programs funded by the fund. Each report shall include the number
13 of applicants and approved applicants, an overview of the various
14 programs, objectives, and anticipated outcomes, and detailed
15 reports of the cost of each program.

16 To assist the council in carrying out its duties, the
17 State Board of Education shall, in consultation with the council,
18 adopt and promulgate rules and regulations establishing criteria,
19 standards, and procedures regarding the selection and
20 administration of programs funded from the Education Innovation
21 Fund, including the Quality Education Accountability Act.

22 (3) Recipients of incentive grants allocated by the
23 Governor from the Education Innovation Fund shall be required to
24 provide, upon request, such data relating to the funded programs
25 and initiatives as the Governor deems necessary.

26 (4) Any money in the State Lottery Operation Trust Fund,
27 the State Lottery Operation Cash Fund, the State Lottery Prize
1 Trust Fund, or the Education Innovation Fund available for
2 investment shall be invested by the state investment officer
3 pursuant to the Nebraska Capital Expansion Act and the Nebraska
4 State Funds Investment Act.

5 (5) Unclaimed prize money on a winning lottery ticket
6 shall be retained for a period of time prescribed by rules and
7 regulations. If no claim is made within such period, the prize
8 money shall be used at the discretion of the Tax Commissioner for
9 any of the purposes prescribed in this section.

10 Sec. 3. Section 83-162.04, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 83-162.04. The Compulsive Gamblers Assistance Fund is
13 created. The division shall administer the fund for the treatment
14 of compulsive gamblers as recommended by the commission and shall
15 spend no more than ~~fifty thousand dollars~~ ten percent of the money
16 appropriated to the fund for administrative costs. In addition to
17 money transferred to the fund from the State Lottery Operation
18 Trust Fund under section 9-812 and the Charitable Gaming Operations
19 Fund under sections 9-1, 101 and 83-162.06, the department is
20 authorized to accept for deposit in the Compulsive Gamblers
21 Assistance Fund funds, donations, gifts, devises, or bequests from
22 any federal, state, local, public, or private source to be used by
23 the division in the exercise of this authority under and in the
24 performance of its duties in carrying out the provisions of the
25 Alcoholism, Drug Abuse, and Addiction Services Act which relate to
26 compulsive gambling. The Director of Administrative Services shall
27 draw warrants upon the Compulsive Gamblers Assistance Fund upon the
1 presentation of proper vouchers by the division. Money from the
2 Compulsive Gamblers Assistance Fund shall be used exclusively for
3 the purpose of providing assistance to agencies, groups,
4 organizations, and individuals that provide education, assistance,
5 and counseling to individuals and families experiencing difficulty

6 as a result of problem or pathological gambling, to promote the
 7 awareness of gamblers assistance programs, and to pay the costs and
 8 expenses of the division and the commission with regard to
 9 compulsive gambling. Neither the director of the division nor the
 10 division shall provide any direct services to problem or
 11 pathological gamblers or their families. Funds appropriated from
 12 the Compulsive Gamblers Assistance Fund shall not be granted or
 13 loaned to or administered by any of the mental health regional
 14 governing boards created pursuant to the Nebraska Comprehensive
 15 Community Mental Health Services Act unless the mental health
 16 region is a direct provider of services dealing with the treatment
 17 of compulsive gambling. Any money in the fund available for
 18 investment shall be invested by the state investment officer
 19 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 20 State Funds Investment Act.

21 Sec. 4. Section 83-162.06, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 83-162.06. It is the intent of the Legislature to
 24 appropriate to the Compulsive Gamblers Assistance Fund from the
 25 Charitable Gaming Operations Fund two hundred fifty thousand
 26 dollars on July 1 of each year for fiscal years 1997-98, 1998-99,
 27 and 1999-2000. For fiscal year 2000-01 and each fiscal year
 1 thereafter, it is the intent of the Legislature to appropriate one
 2 million dollars that, on June 30 of each fiscal year, the money
 3 remaining in the Charitable Gaming Operations Fund not used by the
 4 Charitable Gaming Division in its administration and enforcement
 5 duties pursuant to section 9-1,101 shall be transferred to the
 6 Compulsive Gamblers Assistance Fund, from the Charitable Gaming
 7 Operations Fund if the need for such funds is demonstrated to the
 8 Legislature."

LEGISLATIVE BILL 913. Indefinitely postponed.

LEGISLATIVE BILL 1087. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Health and Human Services

LEGISLATIVE BILL 1211. Placed on General File as amended.

Standing Committee amendment to LB 1211:

AM2534

- 1 1. On page 3, line 11, after the period insert "The
- 2 Department of Health and Human Services shall oversee the task
- 3 force and its activities."

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1107. Title read. Considered.

Senator Wickersham renewed his pending amendment, AM2463, found on page 747.

Pending.

LEGISLATIVE BILL 1192. Title read. Considered.

The Standing Committee amendment, AM2262, found on page 560, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1285. Title read. Considered.

Pending.

MOTION - Place LB 1394 on General File

Senator Beutler renewed his pending motion, found on page 795, to place LB 1394 on General File notwithstanding the action of the committee.

SPEAKER KRISTENSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his motion to place LB 1394 on General File.

AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 1285:
AM2456

(Amendments to Standing Committee amendments, AM2358)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 75-606, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 75-606. The commission may revoke or suspend the
- 5 certificate of convenience of any violator of section 75-605. Any
- 6 person who violates any provision of such section shall be guilty
- 7 of a Class V misdemeanor. The commission shall enforce such
- 8 section, and the Attorney General or any county attorney shall,
- 9 upon request of the commission, assist in the prosecution of any
- 10 violations of such section. In addition, the commission may

11 administratively fine pursuant to section 75-156 any person who
12 violates section 75-605.

13 Sec. 5. Section 75-610, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 75-610. Any telephone carrier or its agent who fails or
16 neglects to comply with sections 75-607 to 75-609.01 or who
17 violates any of the provisions of such sections shall be guilty of
18 a Class IV misdemeanor. In addition, the commission may
19 administratively fine pursuant to section 75-156 any such carrier
20 or agent who violates sections 75-607 to 75-609.01.

21 Sec. 6. The commission may administratively fine
22 pursuant to section 75-156 any person who violates sections 75-611
23 to 75-616.

1 Sec. 8. Section 86-811, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-811. (1) If any telecommunications company violates
4 any provision of sections 75-109, 75-604, 75-609, and 75-609.01 or
5 86-801 to 86-810, any interested person may petition the district
6 court of the county in which alleged violation has occurred.
7 If it appears to the court, after a hearing, that a provision of
8 such sections has been violated, the court may issue an injunction
9 or other proper process to restrain the telecommunications company
10 and its directors, officers, employees, or agents from continuing
11 such violation and may order additional relief. Any party to the
12 case shall have the right to appeal the decision of the district
13 court to the Court of Appeals under the rules provided by law for
14 appeals in civil cases.

15 (2) In addition, the commission may administratively fine
16 pursuant to section 75-156 any person who violates sections 86-801
17 to 86-810.

18 Sec. 9. Section 86-1005, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 86-1005. (1) The amount of service surcharges collected
21 in one calendar quarter by a service supplier shall be remitted to
22 the governing body no later than sixty days after the close of that
23 calendar quarter. At the time of the remittance, the service
24 supplier shall file a return for the remittance with the governing
25 body in such form as the governing body and the service supplier
26 agree upon. The service supplier shall maintain a record of the
27 amount of service surcharges collected. The record shall be
1 maintained for a period of one year after the date the amount was
2 billed. A governing body may at its own expense require an annual
3 audit of a service supplier's books and records concerning the
4 collection and remittance of a service surcharge.

5 (2) Each service supplier shall report to the Public
6 Service Commission for each of its exchanges (a) whether 911
7 service or E-911 service is provided in that exchange, (b) the
8 level of the surcharge, (c) the location of the public safety
9 answering point, (d) whether the governing body belongs to an

10 interlocal agreement or other agreement with another governing body
11 and, if so, the name of the other governing body, and (e) the
12 amount of revenue collected by the surcharge.

13 The initial report shall be due April 30, 1994, for
14 calendar year 1993 and subsequent reports shall be due no later
15 than April 30 of each year. The report period shall be the
16 preceding calendar year.

17 (3) The commission shall compile and place the
18 information from such reports required in subsection (2) of this
19 section into its annual telecommunications report to the
20 Legislature, including the availability and location of 911 service
21 and E-911 service in the State of Nebraska.

22 (4) The commission shall adopt and promulgate rules and
23 regulations to carry out subsections (2) and (3) of this section.

24 (5) The commission may administratively fine pursuant to
25 section 75-156 any person who violates sections 86-1001 to 86-1009.

26 Sec. 12. Section 86-1306, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 86-1306. (1) The commission shall establish standards,
2 procedures, and training specifications for the telecommunications
3 relay system and shall supervise its operation. The system shall
4 assure prompt and accurate relay of all messages seven days per
5 week, twenty-four hours per day, including holidays, and shall
6 provide at least the following services to all deaf, hard of
7 hearing, or speech-impaired persons living in Nebraska who possess
8 specialized telecommunications equipment: (a) Statewide instate
9 calls with charges for long-distance calls billed to the person
10 making the call in a manner which the commission determines will
11 recover the cost of long-distance calls to the system; (b)
12 out-of-state calls with charges billed to the person making the
13 call; and (c) emergency calls. Any person using the system shall
14 not be charged for access to the system other than charges billed
15 for instate and out-of-state long-distance service.

16 (2) The commission shall establish standards and criteria
17 and shall determine the eligibility of qualified deaf, hard of
18 hearing, and speech-impaired persons applying for specialized
19 telecommunications equipment, which include the following: (a) Only
20 one person per household may be a recipient of the
21 telecommunications equipment; (b) an applicant shall reside in a
22 household that has telephone service; (c) a recipient of equipment
23 may not reapply for assistance more than once every five years; and
24 (d) a nursing home or institution resident is eligible for
25 specialized telecommunications equipment only if he or she has
26 personal telephone service. Applications may be approved if they
27 meet the guidelines established by the commission. The commission
1 shall adopt and promulgate rules and regulations necessary for
2 implementation of the Telecommunications Relay System Act and
3 guidelines for the specialized telecommunications equipment
4 program. The commission may enter into contracts with other

5 agencies or private organizations, which may include the Commission
6 for the Deaf and Hard of Hearing, to operate the telecommunications
7 relay system and the specialized telecommunications equipment
8 program.

9 (3) The commission may administratively fine pursuant to
10 section 75-156 any person who violates the act.".

11 2. On page 14, line 22, before "The" insert "(1)".

12 3. On page 15, after line 22, insert the following:

13 "(2) The commission may administratively fine pursuant to
14 section 75-156 any person who violates the Telecommunications Relay

15 System Act."; in line 23 after "75-156," insert "75-606, 75-610,";

16 and in line 24 after "86-803," insert "86-811, 86-1005," and after

17 "86-1222," insert "86-1306,".

18 4. Renumber the remaining sections accordingly.

Senator Coordsen filed the following amendment to LB 628:

AM2566

(Amendments to AM2492)

1 1. On page 2, strike beginning with "the" in line 10

2 through the comma in line 12 and insert "for photocopies, the

3 actual cost of making the copies available shall not exceed the

4 amount of the reasonably calculated actual cost of the

5 photocopies.".

Senator Coordsen filed the following amendment to LB 628:

AM2577

(Amendments to AM2492)

1 1. insert the following new section:

2 "Sec. 2. Section 84-712.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 84-712.01. (1) Except when any other statute expressly
5 provides that particular information or records shall not be made
6 public, public records shall include all records and documents,
7 regardless of physical form, of or belonging to this state, any
8 county, city, village, political subdivision, or tax-supported
9 district in this state, or any agency, branch, department, board,
10 bureau, commission, council, subunit, or committee of any of the
11 foregoing. Data which is a public record in its original form
12 shall remain a public record when maintained in computer files.

13 (2) When a custodian of a public record of a county ~~which~~
14 ~~has a population of one hundred thousand inhabitants or more as~~
15 ~~determined by the most recent federal decennial census~~ provides to
16 a member of the public, upon request, a copy of the public record
17 by transmitting it from a modem to an outside modem, a reasonable
18 fee may be charged for such specialized service. Such fee may
19 include a reasonable amount representing a portion of the
20 amortization of the cost of computer equipment, including software,
21 necessarily added in order to provide such specialized service.

22 This subsection shall not be construed to require a governmental

- 23 entity to acquire computer capability to generate public records in
 1 a new or different form when that new form would require additional
 2 computer equipment or software not already possessed by the
 3 governmental entity.
 4 (3) Sections 84-712 to 84-712.03 shall be liberally
 5 construed whenever any state, county, or political subdivision
 6 fiscal records, audit, warrant, voucher, invoice, purchase order,
 7 requisition, payroll, check, receipt, or other record of receipt,
 8 cash, or expenditure involving public funds is involved in order
 9 that the citizens of this state shall have the full right to know
 10 of and have full access to information on the public finances of
 11 the government and the public bodies and entities created to serve
 12 them."
 13 2. On page 5, line 10, before "and" insert "
 14 84-712.01,".
 15 3. Renumber the remaining sections accordingly.

Senator Quandahl filed the following amendment to LB 1116:
 AM2563

- 1 1. Insert the following new sections:
 2 "Sec. 2. A city of the metropolitan class may adopt
 3 biennial budgets for biennial periods if such budgets are provided
 4 for by a city charter provision. For purposes of this section:
 5 (1) Biennial budget means a budget that provides for a
 6 biennial period to determine and carry on the city's financial and
 7 taxing affairs; and
 8 (2) Biennial period means the two fiscal years comprising
 9 a biennium commencing in odd-numbered years.
 10 Sec. 10. Section 14-501, Reissue Revised Statutes of
 11 Nebraska, is amended to read:
 12 14-501. The city council shall annually or biennially
 13 and within the first week of January, if possible, appropriate
 14 money and credits of the city in such amounts as may be deemed
 15 necessary and proper and set the same aside to the following
 16 designated funds to be known as statutory funds: (1) For the fire
 17 department of the city, (2) for the police department of the city,
 18 (3) for the health department of the city, (4) for the public
 19 library, (5) for the purposes of the welfare board, and (6) for the
 20 purpose of paying judgments and costs. The amounts so appropriated
 21 and set aside to such funds respectively shall be the maximum
 22 amounts that may be appropriated to or expended from such funds
 23 within the fiscal year or biennial period for the purposes for
 24 which such funds respectively are created.
 1 Sec. 11. Section 14-502, Reissue Revised Statutes of
 2 Nebraska, is amended to read:
 3 14-502. The city council shall at the same time
 4 appropriate, from the remaining amount of tax levy of such year and
 5 from revenue to be derived from all other sources available for
 6 such purposes, money and credits of the city and set the same aside

7 to funds to be designated department funds. The department funds
8 shall be of the same number and of the same designation as the
9 departments into which the government of the city is divided for
10 administration under the commission form of government. The amount
11 so appropriated and set aside to each of said the funds
12 respectively shall be an amount deemed sufficient and necessary to
13 take care of the expenses in such department for the fiscal year or
14 biennial period for which the appropriation is made. The amount
15 thus appropriated to each of such departments respectively may be
16 divided and subdivided for the purpose of expenditure as the
17 council may direct, but shall be the maximum amount which may be
18 appropriated to any such department for the fiscal year or biennial
19 period, or which may be expended for the purpose of such department
20 for the fiscal year or biennial period. Any transfer of duties or
21 burdens of one department to another, after an appropriation has
22 been made, shall carry with it a just and equitable pro rata
23 proportion of the appropriation. The amounts so appropriated to
24 the several department funds shall be used only for the purpose of
25 paying the expenses and liabilities for which appropriated. The
26 city council shall, at the time of the annual appropriation,
27 estimate the total credits available from taxes levied and other
1 sources for municipal purposes for the fiscal year or biennial
2 period, and the amount remaining after deducting therefrom the
3 amounts appropriated for statutory and department funds shall be
4 the miscellaneous expense fund. The money and credits in the
5 miscellaneous expense fund may be used from time to time to pay the
6 miscellaneous expenses and obligations of the city for which an
7 appropriation has not been made or which are not properly included
8 within the purposes of the appropriation to any of the other funds.
9 Sec. 12. Section 14-503, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 14-503. The balances remaining in any of the funds
12 created by the provisions of sections 14-501 and 14-502 and against
13 which lawful obligations have not been created shall at the
14 expiration of each fiscal year or biennial period be transferred to
15 the general sinking fund of the city by the department of accounts
16 and finances.
17 Sec. 13. Section 14-504, Reissue Revised Statutes of
18 Nebraska, is amended to read:
19 14-504. As soon as the annual apportionment of funds has
20 been made, the department of accounts and finances shall open an
21 account with each such fund authorized to be established by
22 sections 14-501 and 14-502, and shall place a credit to each such
23 fund of ninety percent of the tax levy apportioned to it.
24 Thereafter said the department shall credit such funds pro rata
25 with money coming to the city from taxation and other sources which
26 are applicable to current expense purposes until all such credits
27 shall equal one hundred percent of such apportionment. The
1 foregoing pro rata credits in excess of ninety percent shall not

- 2 apply to the miscellaneous expense fund, but the miscellaneous
 3 expense fund shall be credited with all money collected and
 4 applicable to current expense purposes after the other funds have
 5 received the full one hundred percent of their appropriation.
 6 Sec. 14. Section 14-512, Revised Statutes Supplement,
 7 1999, is amended to read:
 8 14-512. The council shall provide and maintain a sinking
 9 fund for the payment of the general bonds of the city and the
 10 interest thereon. Such sinking fund shall be maintained from the
 11 following sources of revenue: (1) Amounts raised by taxation for
 12 that purpose; (2) balances transferred at the end of each fiscal
 13 year or biennial period from the several funds provided for in
 14 sections 14-501 and 14-502; and (3) such other amounts and sums as
 15 may be transferred thereto by the council. Money and credits in
 16 the sinking fund shall be held inviolate, shall not be transferred
 17 to any other fund, and shall be used for the purpose of paying (a)
 18 the interest on the general bonds of the city, (b) maturing bonds
 19 of the city, and (c) bonds of the city which may be paid before
 20 maturity. The money and credits thereof when not used or needed
 21 for the purposes specified in this section may temporarily be
 22 invested in registered general warrants of the city or of the
 23 school district situated within the city under such conditions as
 24 will enable the same to be obtained and available at any time
 25 desired for the purposes specified in this section."
 26 2. On page 9, line 14, after "primary" insert "or
 27 metropolitan".
 1 3. On page 15, line 21, after the first comma insert
 2 "14-501, 14-502, 14-504, "; and in line 23 strike "and 13-511" and
 3 insert "13-511, and 14-512".
 4 4. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1271. Placed on General File as amended.
 (Standing Committee amendment, AM2550, 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

Health and Human Services

LEGISLATIVE BILL 1408. Placed on General File.

LEGISLATIVE BILL 1101. Placed on General File as amended.
 Standing Committee amendment to LB 1101:
 AM2473

- 1 1. Strike original section 10.

2. On page 4, line 13, after the comma insert "liability insurance,"; and in line 14 after "stipend" insert "in an amount to be set by the department".

LEGISLATIVE BILL 1388. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

Education

LEGISLATIVE BILL 1379. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 74, 692, and LR 20CA.

Enrollment and Review Change to LB 692

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

ER9117

1. In the Vrtiska amendment, AM2316, on page 2, line 2, "to" has been struck and the second comma has been struck; in line 10 the comma has been struck; in line 22 an underscored comma has been inserted after "fund"; and in line 25 the comma has been struck and shown as stricken.

2. On page 1, the matter beginning with "the" in line 1 through line 8 has been struck and "government; to amend sections 2-3328, 2-3331, 14-2145, 14-2146, 23-905, 23-1608, 23-1609, 29-752, 72-417, and 84-304.03, Reissue Revised Statutes of Nebraska, and section 49-617, Revised Statutes Supplement, 1999; to change and eliminate powers and duties of the Auditor of Public Accounts; to provide, change, and eliminate powers and duties relating to audits and audit reports; to change provisions relating to distribution of statute books and standards for auditors; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3329, 23-1610, 23-1613, 23-1614, and 84-301, Reissue Revised Statutes of Nebraska." inserted.

3. On page 6, line 20, the new matter has been struck and the stricken matter reinstated.

Enrollment and Review Change to LR 20CA

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

ER9118

1. On page 2, line 1, the single quote marks have been struck.

(Signed) Adrian M. Smith, Chairperson

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 510:
That LB 510 becomes law notwithstanding the objections of the Governor.

UNANIMOUS CONSENT - Add Cointroducers

Senator Wickersham asked unanimous consent to have his name added as cointroducer to LB 358. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 717. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 1107 and LB 1135. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 fourth grade students and teacher from Northern Hill Elementary, Norfolk; 24 ninth through twelfth grade students and teacher from Mercy High School, Omaha; and fifth grade students and teachers from Hershey Public School.

The Doctor of the Day was Dr. Jim Long from Alma.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Suttle, the Legislature adjourned until 9:00 a.m., Tuesday, February 29, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - FEBRUARY 29, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 29, 2000

PRAYER

The prayer was offered by Pastor Ed Anderson, Good Shepherd Baptist Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Coordsen and Robak who were excused; and Senators Brashear, Bromm, Brown, Kiel, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

**STANDING COMMITTEE REPORTS
Health and Human Services**

LEGISLATIVE BILL 1352. Placed on General File as amended.
Standing Committee amendment to LB 1352:
AM2535

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) The Electronic Benefit System Task Force
- 4 is established.
- 5 (2) The task force shall provide recommendations and
- 6 assistance to the Department of Health and Human Services and the
- 7 Policy Cabinet during and following the development and
- 8 implementation of an electronic benefit system as permitted in
- 9 section 68-1725 and shall monitor the development and
- 10 implementation of such system. The task force shall specifically
- 11 provide recommendations and assistance relating to, but not limited

12 to, the development of policies for implementation of electronic
13 benefit transfers, determination of costs and savings realized by
14 implementation of electronic benefit transfers, and vendor criteria
15 and selection.

16 (3) The task force shall include the following members:

17 (a) The State Treasurer or his or her designee;

18 (b) The Director of Administrative Services or his or her
19 designee;

20 (c) The Director of Banking and Finance or his or her
21 designee;

22 (d) The Director of Health and Human Services or his or
23 her designee;

24 (e) The executive director of the Nebraska Grocery
1 Industry Association or his or her designee;

2 (f) The president of the Nebraska Electronic Transfer
3 System, Inc. or his or her designee;

4 (g) One representative of the banking industry appointed
5 by the Governor;

6 (h) Two representatives of the retail grocery industry
7 appointed by the Governor. The representatives shall be chosen so
8 as to be representative of different sizes of grocery stores;

9 (i) Three persons appointed by the Governor who are
10 currently receiving public assistance or representing organizations
11 that advocate for such persons;

12 (j) The chairperson of the Health and Human Services
13 Committee of the Legislature; and

14 (k) One member of the Legislature appointed by the
15 chairperson of the Executive Board of the Legislative Council.

16 (4) All appointments of the task force shall be made no
17 later than May 1, 2000. Members of the task force shall elect a
18 chairperson and a vice-chairperson. Members of the task force
19 shall be reimbursed for their actual and necessary expenses as
20 provided in sections 81-1174 to 81-1177. The task force shall meet
21 at least quarterly during the development and implementation of the
22 electronic benefit system and shall meet only quarterly thereafter.
23 A majority of the members shall constitute a quorum at all
24 meetings. Action by the task force on any item shall require a
25 majority vote of all members present at meetings at which there is
26 a quorum.

17 (5) By December 1, the State Treasurer shall prepare an
1 annual report of any findings and recommendations of the task force
2 and progress of the development and implementation of the
3 electronic benefit system and shall provide such report to the
4 Governor and the Legislature.

5 (6) The task force and this section shall terminate on
6 January 1, 2004.

7 Sec. 2. Section 68-1708, Revised Statutes Supplement,
8 1998, is amended to read:

9 68-1708. Sections 68-1708 to 68-1734 and section 1 of

- 10 this act shall be known and may be cited as the Welfare Reform Act.
11 Sec. 3. Original section 68-1708, Revised Statutes
12 Supplement, 1998, is repealed.
13 Sec. 4. Since an emergency exists, this act takes effect
14 when passed and approved according to law."

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
Samuel Augustine
Jeffrey Akerson
James Schiefen
David Hoover

Health and Human Services System Partnership Council
Stacie Bleicher
Peter Tulipana

VOTE: Aye: Senators Jensen, Byars, Suttle, Tyson, Price, and Dickey. Nay:
None. Absent: Senator Thompson.

(Signed) Jim Jensen, Chairperson

COMMUNICATION

February 29, 2000

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 729, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

MOTIONS - Approve Appointments

Senator Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointments found on page 803:

Nebraska Investment Council – Greg Stine; and Public Employees Retirement Systems Board - Rick Black and Daniel Contonis.

Senator Stuhr requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 803: Nebraska Investment Council – Greg Stine.

Voting in the affirmative, 37:

Aguilar	Baker	Bohlke	Bourne	Bruning
Byars	Connealy	Crosby	Cudaback	Dickey
Diers	Engel	Hartnett	Hudkins	Janssen
Jones	Kremer	Kristensen	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Beutler	Hilgert	Jensen	Lynch
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Excused and not voting, 7:

Brashear	Bromm	Brown	Coordsen	Kiel
Landis	Robak			

The appointment was confirmed with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

The second division is as follows:

Senator Stuhr moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointments found on page 803: Public Employees Retirement Systems Board - Rick Black and Daniel Contonis.

Voting in the affirmative, 38:

Aguilar	Baker	Bourne	Brashear	Bruning
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Byars	Connealy	Crosby	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Kristensen	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Beutler	Bohlke	Cudaback	Jensen
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Excused and not voting, 6:

Bromm	Brown	Coordsen	Kiel	Landis
Robak				

The appointments were confirmed with 38 ayes, 1 nay, 4 present and not voting, and 6 excused and not voting.

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 804: Nebraska State Emergency Response Commission - Rick Kuckkahn.

Voting in the affirmative, 35:

Aguilar	Baker	Bourne	Brashear	Bruning
Byars	Connealy	Crosby	Cudaback	Dickey
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Kristensen	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Beutler	Bohlke	Dierks	Jensen	Lynch
Matzke	Pederson, D.			

Excused and not voting, 6:

Bromm Brown Coordsen Kiel Landis
Robak

The appointment was confirmed with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1107. The Wickersham pending amendment, AM2463, found on page 747 and considered on page 833, was renewed.

Senators Bruning and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SENATOR CUDABACK PRESIDING

Senators Brashear and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 4 nays, 11 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 309. Introduced by Preister, 5.

WHEREAS, as the career exploration process begins, we have a responsibility of supplying comprehensive and relevant information to our Nebraska high school students to help them in determining important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the Armed Services Vocational Aptitude Battery (ASVAB) to access capabilities of young people about to enter the military; and

WHEREAS, the Department of Defense also offers the ASVAB to high schools throughout the State of Nebraska, at no cost to the schools or students and without military obligation, providing one of the best and most widely used vocational aptitude indexes in the country; and

WHEREAS, the current ASVAB 18/19 Career Exploration Program contains comprehensive career exploration materials which are easily integrated into schools' career guidance programs; and

WHEREAS, the accompanying Exploring Careers Workbook teaches students a comprehensive way to explore careers, whereby they can match their ASVAB scores, along with interest results and personal preferences, to

a wide-range of over two hundred civilian and military occupations. A component of this workbook is an interest inventory which is provided free to every student taking the ASVAB; and

WHEREAS, over twelve thousand students from about eighty-five percent of the high schools in Nebraska participate in the ASVAB 18/19 Career Exploration Program each year.

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

1. That the Legislature recognize March 8, 2000, as Armed Services Vocational Aptitude Battery (ASVAB 18/19) Career Exploration Program Day.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1346A. 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 1346, Ninety-sixth Legislature, Second Session, 2000.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Scudder, Earl – Coordinating Commission for Postsecondary Education -- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING **Natural Resources**

LR 304 Wednesday, March 8, 2000

8:30 a.m.

(Signed) Edward J. Schrock, Chairperson

STANDING COMMITTEE REPORTS **Judiciary**

LEGISLATIVE BILL 1205. Placed on General File.

LEGISLATIVE BILL 1386. Placed on General File.

LEGISLATIVE BILL 655. Placed on General File as amended.
Standing Committee amendment to LB 655:
AM2476

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 81-1401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1401. For purposes of sections 81-1401 to 81-1414,
- 6 unless the context otherwise requires:
- 7 (1) Commission means the Nebraska Commission on Law
- 8 Enforcement and Criminal Justice;
- 9 (2) Council means the Nebraska Police Standards Advisory
- 10 Council;
- 11 (3) Handgun means any firearm with a barrel less than
- 12 sixteen inches in length or any firearm designed to be held and
- 13 fired by the use of a single hand;
- 14 (4) Law enforcement agency means the police department or
- 15 the town marshal in incorporated municipalities, the office of
- 16 sheriff in unincorporated areas, and the Nebraska State Patrol;
- 17 (5)(a) Law enforcement officer means any person who is
- 18 responsible for the prevention or detection of crime or the
- 19 enforcement of the penal, traffic, or highway laws of the state or
- 20 any political subdivision of the state for more than ~~one~~ three
- 21 hundred hours per year and is authorized by law to make arrests and
- 22 includes, but is not limited to:
- 23 (i) A full-time or part-time member of the Nebraska State
- 24 Patrol;
- 1 (ii) A county sheriff;
- 2 (iii) A full-time or part-time employee of a county
- 3 sheriff's office;
- 4 (iv) A full-time or part-time employee of a municipal or
- 5 village police agency; or
- 6 (v) A full-time employee of an organized and paid fire
- 7 department of any city of the metropolitan class who is an
- 8 authorized arson investigator and whose duties consist of
- 9 determining the cause, origin, and circumstances of fires or
- 10 explosions while on duty in the course of an investigation; but
- 11 (b) Law enforcement officer does not include employees of
- 12 the Department of Correctional Services, probation officers under
- 13 the Nebraska Probation System or appointed under section 43-2,123,
- 14 parole officers appointed by the Parole Administrator, employees of
- 15 the Department of Property Assessment and Taxation under section
- 16 77-704, or employees of the Department of Revenue under section
- 17 77-366;
- 18 (6) Director means the director of the Nebraska Law
- 19 Enforcement Training Center; and
- 20 (7) Training center means the Nebraska Law Enforcement
- 21 Training Center.
- 22 Sec. 2. Original section 81-1401, Reissue Revised

23 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 938. Placed on General File as amended.
Standing Committee amendment to LB 938:
AM2347

1 1. On page 2, line 16, after the period insert "Nothing
2 in this subsection shall be construed to effect a reduction in the
3 number of work release positions.".

LEGISLATIVE BILL 1296. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Appropriations

LEGISLATIVE BILL 952. Indefinitely postponed.
LEGISLATIVE BILL 978. Indefinitely postponed.
LEGISLATIVE BILL 1064. Indefinitely postponed.
LEGISLATIVE BILL 1151. Indefinitely postponed.
LEGISLATIVE BILL 1259. Indefinitely postponed.
LEGISLATIVE BILL 1326. Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 715. Placed on Select File as amended.
E & R amendment to LB 715:
AM7210

1 1. On page 1, strike beginning with "section" in line 2
2 through line 4 and insert "sections 79-1007.01, 79-1025, and
3 79-1032, Revised Statutes Supplement, 1998, and sections 79-1001,
4 79-1007.02, 79-1008.01, 79-1009, 79-1026, and 79-1072.03, Revised
5 Statutes Supplement, 1999; to change provisions relating to state
6 aid; to define and redefine terms; to harmonize provisions; and to
7 repeal the original sections."

LEGISLATIVE RESOLUTION 291CA. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 1258.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Members Excused

Senators Raikes and Jones asked unanimous consent to be excused. No

objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 930. Title read. Considered.

SENATOR CROSBY PRESIDING

The Standing Committee amendment, AM2054, found on page 327, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 944. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 960. 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 1401. Title read. Considered.

The Standing Committee amendment, AM2545, found on page 798, was considered.

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

AM2588

(Amendments to Standing Committee amendments, AM2545)

- 1 1. On page 2, lines 5 and 6, strike "and ten cents"; in
- 2 line 16 strike "district's" and insert "system's"; in line 19
- 3 strike "and"; and in line 22 before the period insert "; strike
- 4 beginning with the underscored comma in line 13 through the
- 5 underscored comma in line 14; and in line 16 after the period
- 6 insert 'For school fiscal year 2001-02 the maximum levy for
- 7 purposes of this section shall be one dollar and ten cents.'"

The Suttle amendment was adopted with 26 ayes, 0 nays, 16 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 28 ayes, 0 nays, 14 present and not

voting, and 7 excused and not voting.

LEGISLATIVE BILL 1317. Title read. Considered.

The Standing Committee amendment, AM2481, printed separately and referred to on page 810, 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 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

AMENDMENT - Print in Journal

Senator Thompson filed the following amendment to LB 652A:
AM2556

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. There is hereby appropriated \$215,460 from
- 4 the General Fund and \$323,190 federal funds for FY2001-02 to the
- 5 Department of Health and Human Services Finance and Support, for
- 6 Program 348, to aid in carrying out the provisions of Legislative
- 7 Bill 652, Ninety-sixth Legislature, Second Session, 2000.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 Sec. 2. There is hereby appropriated \$2,882,141 from the
- 12 General Fund for FY2001-02 to the Department of Health and Human
- 13 Services, for Program 250, to aid in carrying out the provisions of
- 14 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
- 15 2000.
- 16 Total expenditures for permanent and temporary salaries
- 17 and per diems from funds appropriated in this section shall not
- 18 exceed \$110,223 for FY2001-02.
- 19 Sec. 3. There is hereby appropriated \$50,000 from the
- 20 General Fund for FY2001-02 to the Department of Correctional
- 21 Services, for Program 370, to aid in carrying out the provisions of
- 22 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
- 23 2000.
- 24 Total expenditures for permanent and temporary salaries
- 1 and per diems from funds appropriated in this section shall not
- 2 exceed \$64,344 for FY2001-02."

UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1331. No objections. So ordered.

VISITORS

Visitors to the Chamber were 8 ninth and tenth grade students and teachers from Elmwood-Murdock School, Murdock; 71 tenth grade students, teacher, and sponsor from South High School, Omaha; Mary Wolfe from Lincoln; students and teachers from East High School, Lincoln; high school students and sponsors from O'Neill Public Schools; 35 tenth grade students and teachers from Youth Leadership Tomorrow, Grand Island; and Marc Kaschke from Omaha.

The Doctor of the Day was Dr. Tim Ranney from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 1, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 1, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 1, 2000

PRAYER

The prayer was offered by Dr. Reverend Beverly Leonard, Florence Presbyterian Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Beutler, Bohlke, Kiel, Landis, Schimek, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

COMMUNICATION

Received a copy of Joint Senate Resolution 78 from the State of Vermont relating to the need for national leadership to address the high cost of medically necessary prescription drugs.

GENERAL FILE

LEGISLATIVE BILL 1285. The Standing Committee amendment, AM2358, printed separately and referred to on page 685, was considered.

Senator 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:

(Amendment on file in the Clerk's Office - Room 2018 - FA301.)

Senators Wehrbein, Crosby, Brashear, Hilgert, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis 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 first Standing Committee amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 1029. Placed on General File.

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1243:
AM2455

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 9-812, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 9-812. (1) All money received from the operation of
- 5 lottery games conducted pursuant to the State Lottery Act in
- 6 Nebraska shall be deposited in the State Lottery Operation Trust
- 7 Fund, which fund is hereby created. All payments of expenses of
- 8 the operation of the lottery games shall be made from the State
- 9 Lottery Operation Cash Fund. In accordance with legislative
- 10 appropriations, money for payments for expenses of the division
- 11 shall be transferred from the State Lottery Operation Trust Fund to
- 12 the State Lottery Operation Cash Fund, which fund is hereby
- 13 created. All money necessary for the payment of lottery prizes
- 14 shall be transferred from the State Lottery Operation Trust Fund to
- 15 the State Lottery Prize Trust Fund, which fund is hereby created.
- 16 The amount used for the payment of lottery prizes shall not be less
- 17 than forty percent of the dollar amount of the lottery tickets
- 18 which have been sold. At least twenty-five percent of the dollar
- 19 amount of the lottery tickets which have been sold on an annualized
- 20 basis shall be transferred from the State Lottery Operation Trust
- 21 Fund to the Education Innovation Fund, the Nebraska Environmental
- 22 Trust Fund, and the Compulsive Gamblers Assistance Fund.
- 23 Forty-nine and one-half percent of the money remaining after the

24 payment of prizes and operating expenses shall be transferred to
1 the Education Innovation Fund. Forty-nine and one-half percent of
2 the money remaining after the payment of prizes and operating
3 expenses shall be transferred to the Nebraska Environmental Trust
4 Fund to be used as provided in the Nebraska Environmental Trust
5 Act. One percent of the money remaining after the payment of
6 prizes and operating expenses shall be transferred to the
7 Compulsive Gamblers Assistance Fund to be used as provided in
8 sections 83-162.01 to 83-162.04.

9 (2) The Education Innovation Fund is hereby created.
10 Each fiscal year beginning with fiscal year 1994-95, at least
11 seventy-five percent of the lottery proceeds allocated to the
12 Education Innovation Fund shall be available for disbursement. The
13 Education Innovation Fund shall be allocated in the following
14 manner: Up to ten percent to fund the mentor teacher program
15 pursuant to the Quality Education Accountability Act; up to seventy
16 percent as quality education incentives pursuant to the act; and up
17 to twenty percent of the fund shall be allocated by the Governor
18 through incentive grants to encourage the development of strategic
19 school improvement plans by school districts for accomplishing high
20 performance learning and to encourage schools to establish
21 innovations in programs or practices that result in restructuring
22 of school organization, school management, and instructional
23 programs which bring about improvement in the quality of education.
24 Such incentive grants allocated by the Governor are intended to
25 provide selected school districts, teachers or groups of teachers,
26 nonprofit educational organizations, educational service units, or
27 cooperatives funding for the allowable costs of implementing pilot
1 projects and model programs.

2 From the funds allocated by the Governor, minigrants
3 shall be available to school districts to support the development
4 of strategic school improvement plans which shall include
5 statements of purposes and goals for the districts. The plans
6 shall also include the specific statements of improvement or
7 strategic initiatives designed to improve quality learning for
8 every student.

9 In addition to the minigrants granted for the development
10 of strategic school improvement plans, school districts with annual
11 budget expenditures of three hundred fifty thousand dollars or less
12 are eligible for minigrants from the funds allocated by the
13 Governor for the purposes allowed in subdivisions (2)(a) through
14 (q) of this section. The amount of this type of minigrant shall
15 not exceed five thousand dollars. The school district shall
16 present a curriculum support plan with its application for the
17 grant. The curriculum support plan must show how the district is
18 working to achieve one or more of the allowed purposes and how the
19 grant will be used to directly advance the plan to achieve one or
20 more of these purposes. The plan must be signed by the school
21 administrator and a school board representative. The application

22 for the grant shall be brief. The Excellence in Education Council
23 shall select the recipients of this type of minigrant and shall
24 administer such minigrants.

25 From the funds allocated by the Governor, major
26 competitive grants shall be available to support innovative
27 programs which are directly related to the strategic school
1 improvement plans. The development of a strategic school
2 improvement plan by a school district shall be required before a
3 grant is awarded. Annual reports shall be made by program
4 recipients documenting the effectiveness of the program in
5 improving the quality of education as designed in the strategic
6 school improvement plans. Special consideration shall be given to
7 plans which contain public or private matching funds and
8 cooperative agreements, including agreements for in-kind services.
9 Purposes for which such major competitive grants would be offered
10 shall include:

- 11 (a) Professional staff development programs to provide
12 funds for teacher and administrator training and continuing
13 education to upgrade teaching and administrative skills;
- 14 (b) The development of strategic school improvement plans
15 by school districts;
- 16 (c) Educational technology assistance to public schools
17 for the purchase and operation of computers, telecommunications
18 equipment and services, and other forms of technological innovation
19 which may enhance classroom teaching, instructional management, and
20 districtwide administration pursuant to the state's goal of
21 ensuring that all kindergarten through grade twelve public school
22 districts or affiliated school systems have a direct connection to
23 a statewide public computer information network by June 30, 2000.
24 The telecomputing equipment and services needed to meet this goal
25 may be funded under this subsection, sections 79-1241.01, 79-1243,
26 and 79-1310, or any combination of such subsection and sections.
27 Such telecommunications equipment, services, and forms of technical
1 innovation shall be approved by the State Department of Education
2 only after review by the technical panel created in section
3 86-1511;
- 4 (d) An educational accountability program to develop an
5 educational indicators system to measure the performance and
6 outcomes of public schools and to ensure efficiency in operations;
- 7 (e) Alternative programs for students, including
8 underrepresented groups, at-risk students, and dropouts;
- 9 (f) Programs that demonstrate improvement of student
10 performance against valid national and international achievement
11 standards;
- 12 (g) Early childhood and parent education which emphasizes
13 child development;
- 14 (h) Programs using decisionmaking models that increase
15 involvement of parents, teachers, and students in school
16 management;

- 17 (i) Increased involvement of the community in order to
18 achieve increased confidence in and satisfaction with its schools;
- 19 (j) Development of magnet or model programs designed to
20 facilitate desegregation;
- 21 (k) Programs that address family and social issues
22 impairing the learning productivity of students;
- 23 (l) Programs enhancing critical and higher-order thinking
24 capabilities;
- 25 (m) Programs which produce the quality of education
26 necessary to guarantee a competitive work force;
- 27 (n) Programs designed to increase productivity of staff
1 and students through innovative use of time;
- 2 (o) Training programs designed to benefit teachers at all
3 levels of education by increasing their ability to work with
4 educational technology in the classroom;
- 5 (p) Approved accelerated or differentiated curriculum
6 programs under sections 79-1106 to 79-1108.03; and
- 7 (q) Programs for ~~students~~ children from birth to age
8 twenty-one years with disabilities receiving special education
9 under the Special Education Act and ~~students~~ children from birth to
10 age twenty-one years needing support services as defined in section
11 79-1125.01, which programs demonstrate improved outcomes for
12 ~~students~~ children from birth to age twenty-one years through
13 emphasis on prevention and collaborative planning.
- 14 The Governor shall establish the Excellence in Education
15 Council. The Governor shall appoint eleven members to the council
16 including representatives of educational organizations,
17 postsecondary educational institutions, the business community, and
18 the general public, members of school boards and parent education
19 associations, school administrators, and at least four teachers who
20 are engaged in classroom teaching. The State Department of
21 Education shall provide staff support for the council to administer
22 the Education Innovation Fund, including the Quality Education
23 Accountability Act. The council shall have the following powers
24 and duties:
- 25 (i) In consultation with the State Department of
26 Education, develop and publish criteria for the awarding of
27 incentive grants allocated by the Governor for programs pursuant to
1 this subsection, including minigrants;
- 2 (ii) Provide recommendations to the Governor regarding
3 the selection of projects to be funded and the distribution and
4 duration of project funding. For projects recommended under
5 subdivision (2)(c) of this section, the council shall also provide
6 recommendations to the Nebraska Information Technology Commission
7 for its review and recommendations to the Governor;
- 8 (iii) Establish standards, formats, procedures, and
9 timelines for the successful implementation of approved programs
10 funded by incentive grants allocated by the Governor from the
11 Education Innovation Fund;

12 (iv) Assist school districts in determining the
13 effectiveness of the innovations in programs and practices and
14 measure the subsequent degree of improvement in the quality of
15 education;

16 (v) Consider the reasonable distribution of funds across
17 the state and all classes of school districts;

18 (vi) Carry out its duties pursuant to the Quality
19 Education Accountability Act; and

20 (vii) Provide annual reports to the Governor concerning
21 programs funded by the fund. Each report shall include the number
22 of applicants and approved applicants, an overview of the various
23 programs, objectives, and anticipated outcomes, and detailed
24 reports of the cost of each program.

25 To assist the council in carrying out its duties, the
26 State Board of Education shall, in consultation with the council,
27 adopt and promulgate rules and regulations establishing criteria,
1 standards, and procedures regarding the selection and
2 administration of programs funded from the Education Innovation
3 Fund, including the Quality Education Accountability Act.

4 (3) Recipients of incentive grants allocated by the
5 Governor from the Education Innovation Fund shall be required to
6 provide, upon request, such data relating to the funded programs
7 and initiatives as the Governor deems necessary.

8 (4) Any money in the State Lottery Operation Trust Fund,
9 the State Lottery Operation Cash Fund, the State Lottery Prize
10 Trust Fund, or the Education Innovation Fund available for
11 investment shall be invested by the state investment officer
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska
13 State Funds Investment Act.

14 (5) Unclaimed prize money on a winning lottery ticket
15 shall be retained for a period of time prescribed by rules and
16 regulations. If no claim is made within such period, the prize
17 money shall be used at the discretion of the Tax Commissioner for
18 any of the purposes prescribed in this section.

19 Sec. 3. Section 79-1125.01, Revised Statutes Supplement,
20 1999, is amended to read:

21 79-1125.01. Support services means preventive services
22 for those ~~students~~ children from birth to age twenty-one years and,
23 if the child's twenty-first birthday occurs during the school year,
24 until the end of that school year, not identified or verified as
25 children with disabilities pursuant to sections 79-1118.01 and
26 79-1137 to 79-1139 but demonstrating a need for specially designed
27 assistance in order to benefit from the school district's general
1 education curriculum and to avoid the need for potentially
2 expensive special education placement and services.

3 Sec. 4. Section 79-1142, Revised Statutes Supplement,
4 1999, is amended to read:

5 79-1142. (1) Level I services refers to services
6 provided to children with disabilities who require an aggregate of

7 not more than three hours per week of special education services
8 and support services and includes all administrative, diagnostic,
9 consultative, and vocational-adjustment counselor services.
10 Support services means preventive services for students children
11 from birth to age twenty-one years and, if the child's twenty-first
12 birthday occurs during the school year, until the end of that
13 school year, not identified or verified as having a disability
14 pursuant to sections 79-1118.01 and 79-1138 but who demonstrate a
15 need for specially designed assistance in order to benefit from the
16 school's general education curriculum. The total allowable
17 reimbursable cost for support services shall not exceed a
18 percentage, established by the State Board of Education, of the
19 school district's or approved cooperative's total allowable
20 reimbursable cost for all special education programs and support
21 services. The percentage established by the State Board of
22 Education for support services shall not exceed ten percent.

23 (2) For special education and support services provided
24 in each school fiscal year, the State Department of Education shall
25 reimburse each school district in the following school fiscal year
26 a pro rata amount determined by the State Board of Education for
27 appropriations for special education approved by the Legislature
1 and based on allowable excess costs for all special education
2 programs and support services.

3 (3) Cooperatives of school districts or educational
4 service units shall also be eligible for reimbursement for
5 cooperative programs pursuant to this section if such cooperatives
6 or educational service units have complied with the reporting and
7 approval requirements of section 79-1155 for cooperative programs
8 which were offered the preceding year. The payments shall be made
9 by the State Department of Education to the school district of
10 residence, cooperative of school districts, or educational service
11 unit each year in a minimum of seven payments between the fifth and
12 twentieth day of each month beginning in December. Additional
13 payments may be made based upon additional valid claims submitted.
14 The State Treasurer shall, between the fifth and twentieth day of
15 each month, notify the Director of Administrative Services of the
16 amount of funds available in the General Fund for payment purposes.
17 The director shall, upon receiving such certification, draw
18 warrants against funds appropriated."

19 2. On page 2, line 26, strike "section" and insert
20 "sections 9-812, 79-1125.01, 79-1142, and".

21 3. Renumber the remaining sections accordingly.

Senators Chambers and D. Pederson filed the following amendment to
LB 1004:

(Amendment, AM2582, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Override Veto on LB 510

Senator Chambers renewed his pending motion, found on page 841, that LB 510 becomes law notwithstanding the objections of the Governor.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

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

Voting in the affirmative, 25:

Beutler	Bourne	Brashear	Bromm	Byars
Connealy	Cudaback	Dierks	Hilgert	Hudkins
Janssen	Kiel	Kristensen	Landis	Lynch
Pedersen, Dw.	Pederson, D.	Preister	Price	Raikes
Robak	Schmitt	Suttle	Thompson	Wickersham

Voting in the negative, 20:

Aguilar	Baker	Brown	Bruning	Crosby
Dickey	Engel	Hartnett	Jensen	Jones
Kremer	Matzke	Quandahl	Redfield	Schimek
Schrock	Smith	Stuhr	Tyson	Vrtiska

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Bohlke Coordsen Wehrbein

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

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Senator Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Place LR 289CA on General File

Senators Schimek and Janssen renewed their pending motion, found on page 808, to place LR 289CA on General File pursuant to Rule 3, Section 19(b).

Senators Vrtiska and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schmitt moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Schimek moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Schimek requested a roll call vote on the Schimek-Janssen motion to place LR 289CA on General File.

Voting in the affirmative, 23:

Aguilar	Beutler	Bourne	Brashear	Bromm
Byars	Chambers	Connealy	Crosby	Cudaback
Hilgert	Janssen	Kiel	Kristensen	Landis
Lynch	Preister	Robak	Schimek	Schmitt
Schrock	Suttle	Thompson		

Voting in the negative, 24:

Baker	Brown	Bruning	Coorsen	Dickey
Dierks	Engel	Hartnett	Hudkins	Jensen
Jones	Kremer	Matzke	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Excused and not voting, 2:

Bohlke Pederson, D.

The Schimek-Janssen motion to place LR 289CA on General File failed with 23 ayes, 24 nays, and 2 excused and not voting.

LR 289CA stands indefinitely postponed.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LR 20CA:
AM2570

(Amendments to Final Reading copy)

- 1 1. On page 1, line 3, strike "general election in 2 November" and insert "primary election in May".

RESOLUTION

LEGISLATIVE RESOLUTION 310. Introduced by Crosby, 29.

WHEREAS, David Frayser, an esteemed resident of Lincoln and a student at St. Peter's Catholic School, has achieved national recognition for exemplary volunteer service by receiving a 2000 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, David Frayser earned this award by giving generously of his time and energy to volunteer work; 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 David 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, SECOND SESSION:

1. That the Legislature congratulates and honors David Frayser as a recipient of a 2000 Prudential Spirit of Community Award, recognizes his outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for his continued success and happiness.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 900 and 900A.

Enrollment and Review Change to LB 900

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

ER9119

1. On page 1, line 10; and page 258, line 28, a comma has been inserted after "46-1,155".
2. On page 2, line 23, "to change provisions relating to a cost-share program;" has been inserted before the last "to".
3. On page 242, line 20, "department" has been struck, shown as

stricken, and "Department of Environmental Quality" inserted.

(Signed) Adrian M. Smith, Chairperson

WITHDRAW - Cointroducer

Senator Chambers withdrew his name as cointroducer to LB 1079.

APPRECIATION

Received note of appreciation from Susan Varner Wilkins for expressions of condolences and gratitude by the Legislature in its passage of LR 286 honoring D. B. "Woody" Varner.

VISITORS

Visitors to the Chamber were Professor Christopher Pratt and Elizabeth Hicks from Coventry University, United Kingdom, and Deb Bertrand from North Platte; 10 members of Custer County Leadership Institute; 63 fourth grade students and teacher from Lemay Elementary School, Bellevue; 45 students and teachers from Bennington Public School, Bennington; 8 fourth through eighth grade students and teachers from Brownville; 27 students, teachers, and superintendent from Santee Community Schools; 54 fourth grade students and teachers from Syracuse-Avoca-Dunbar; 18 fourth grade students and teacher from Waterloo; 23 fourth grade students and teacher from Johnson-Brock Elementary School, Brock; Elizabeth Chu, Tom Lee, and Ai-Ching Burns from Taiwan, Republic of China; 7 fourth grade students and teacher from St. Boniface Catholic School, Stuart; and 13 third and fourth grade students from Sutton Christian School, Sutton.

RECESS

At 12:07 p.m., on a motion by Senator Smith, 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 Senators Beutler, Bohlke, Coordsen, Dierks, Hartnett, Kiel, Lynch, Price, Raikes, Redfield, Robak, Schmitt, Tyson, Wehrbein, and Wickersham who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1285. The second Standing Committee amendment is as follows:

FA302

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 75-134, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 75-134. (1) A commission order entered after a hearing
 6 shall be written and shall recite (1) (a) a discussion of the facts
 7 of a basic or underlying nature, (2) (b) the ultimate facts, and
 8 (3) (c) the commission's reasoning or other authority relied upon
 9 by the commission.
 10 (2) Every commission order Except as otherwise provided
 11 in sections 75-121 and 75-139 and except for cease and desist
 12 orders issued pursuant to section 75-133, all commission orders
 13 shall become operative effective ten days after the date of the
 14 mailing of a copy of the order to the parties of record unless
 15 except (a) when the commission prescribes a later effective date,
 16 (b) as otherwise provided in section 75-121 or 75-139, (c) as
 17 otherwise provided for cease and desist orders issued pursuant to
 18 section 75-133, or (d) for orders - An order entered pursuant to
 19 section 75-319 which shall be effective on the date of entry.
 20 (3) If a party of the order by the commission. Except as
 21 to rate orders provided for in section 75-139, if one of the
 22 parties of record commences one of the appeal proceedings provided
 23 in an appeal pursuant to section 75-137, the order appealed shall
 24 be in abeyance until become effective on the date prescribed in
 1 subsection (2) of this section and remain in effect unless the
 2 commission, Court of Appeals, or Supreme Court issues its a mandate
 3 staying, reversing, or modifying the order. The commission, Court
 4 of Appeals, or Supreme Court may issue a stay if it finds that (a)
 5 the applicant is likely to prevail when the matter is finally
 6 decided, (b) without relief, the applicant will suffer irreparable
 7 injury, and (c) the grant of relief to the applicant will not
 8 substantially harm other parties to the proceedings. The
 9 commission, Court of Appeals, or Supreme Court may require the
 10 party requesting such stay to give bond in such amount and
 11 conditioned as the commission or court may direct. Nothing in this
 12 section shall hold in abeyance an order authorizing the issuance of
 13 a certificate or permit, an order denying relief or authority, or
 14 an order entered pursuant to section 75-319.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

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

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Senators Schimek, Bohlke, Redfield, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Considered.

The Standing Committee amendment, AM2319, found on page 607, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SENATOR CUDABACK PRESIDING

Senator Vrtiska offered the following amendment:

AM2578

- 1 1. On page 23, strike beginning with "by" in line 6
- 2 through "member" in line 7 and insert "as provided in subdivision
- 3 (1)(a) of section 48-628".

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vrtiska amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 1119:

AM2467

- 1 1. Insert the following new sections:
- 2 "Sec. 39. Section 48-146.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-146.01. (1) For purposes of this section:
- 5 (a) Assigned risk employer means a Nebraska employer that
- 6 is in good faith entitled to, but is unable to obtain, workers'
- 7 compensation insurance through ordinary methods. Assigned risk

8 employer does not include an employer who is in default on workers'
9 compensation premiums, who has failed to reimburse an insurer for
10 amounts to be repaid pursuant to workers' compensation insurance
11 written on a policy with a deductible, who has failed to provide an
12 insurer reasonable access to books and records necessary for a
13 premium audit, or who has defrauded or attempted to defraud an
14 insurer; and

15 (b) Director means the Director of Insurance.

16 (2)(a) The director, The Director of Insurance, after
17 consultation with carriers insurers authorized to issue workers'
18 compensation insurance policies in this state, shall put into
19 effect a reasonable system to guarantee that each assigned risk
20 employer shall be covered by workers' compensation insurance
21 covering its employees subject to the Nebraska Workers'
22 Compensation Act following the assigned risk employer's application
23 to the assigned risk plan and tender of the required premium.

24 (b) The director shall enter into an agreement with one
1 or more workers' compensation insurers to provide workers'
2 compensation insurance to assigned risk employers. In selecting an
3 insurer to become an assigned risk insurer, the director shall
4 consider the cost of coverage to assigned risk employers, the loss
5 control and claims handling services available from the workers'
6 compensation insurer, the financial condition of the workers'
7 compensation insurer, and any other relevant factors. An agreement
8 entered into under this subsection may not exceed five years.

9 (c) If the director determines that the cost of workers'
10 compensation insurance premiums for an insurer to provide assigned
11 risk coverage pursuant to such an agreement would be unreasonably
12 high, the director may enter into an agreement in which the
13 assigned risk insurer covers a portion of the losses incurred by
14 the assigned risk employer. Any agreement that involves an average
15 rate level of less than two and one-half times the prospective loss
16 costs approved for an advisory organization pursuant to section
17 44-5020 shall not be considered unreasonably high for the purposes
18 of this section. Pursuant to any such agreement, remaining losses
19 shall be assessed against all workers' compensation insurers
20 writing workers' compensation insurance in this state and risk
21 management pools created under the Intergovernmental Risk
22 Management Act based on their workers' compensation premiums
23 written in this state or contributions made to risk management
24 pools. Assigned risk premiums shall be excluded from the basis for
25 such assessments, for the equitable apportionment among such
26 carriers of applicants for such policies who are in good faith
27 entitled to but are unable to procure such policies through
1 ordinary methods. Such system shall be so drawn as to guarantee
2 that such an applicant, if not in default on workers' compensation
3 premiums, shall be covered by workers' compensation insurance
4 following his or her application to the assigned-risk system and
5 tender of required premium. When any such system has been

6 approved, all such carriers shall subscribe thereto and participate
7 therein. Assignment shall be in such manner that, as far as
8 practicable, no carrier shall be assigned a larger proportion of
9 compensation premiums under assigned policies during any calendar
10 year than that which the total of compensation premiums written in
11 the state by such carrier during the preceding year bears to the
12 total compensation premiums written in the state by all such
13 carriers during the preceding calendar year.

14 (2) (3) Any employer which is required to establish a
15 safety committee pursuant to sections 48-443 to 48-445 and which is
16 not in compliance with such sections shall not be entitled to be
17 covered by workers' compensation insurance under this section.
18 Sec. 45. Original section 48-146.01, Reissue Revised
19 Statutes of Nebraska, is repealed."

20 2. On page 3, line 17; page 4, lines 19 and 24; and page
21 5, line 4, after the period insert "For purposes of this
22 subdivision, a group of insurers under common ownership or control
23 shall be considered a single insurer.".

24 3. On page 4, strike lines 10 through 15 and renumber
25 the remaining subdivisions accordingly.

26 4. On page 5, strike beginning with "dividend" in line
27 24 through the first comma in line 25; and strike lines 27 and 28
1 and insert "information. Rating system does not include dividend
2 rating plans or other provisions for the possible payment of
3 dividends if such dividends are declared by the insurer's board of
4 directors and are not guaranteed.".

5 5. On page 6, strike lines 1 and 2; and in line 14 after
6 "director" insert ". For purposes of this subdivision, a group of
7 insurers under common ownership or control shall be considered a
8 single insurer".

9 6. On page 14, strike beginning with "All" in line 26
10 through line 28 and insert "No filing or any supporting information
11 provided pursuant to this section shall be open to public
12 inspection pursuant to sections 84-712 to 84-712.09 before the date
13 on which the director completes review of the filing unless
14 publicly disclosed in an open court, open administrative
15 proceeding, or open meeting or disclosed by the director pursuant
16 to statute. Correspondence specifically relating to".

17 7. On page 20, strike lines 7 through 9 and reletter the
18 remaining subdivisions accordingly.

19 8. On page 24, strike beginning with "All" in line 9
20 through line 11 and insert "No filing or any supporting information
21 provided by an insurer pursuant to this section shall be open to
22 public inspection pursuant to sections 84-712 to 84-712.09 before
23 the approval or disapproval of the filing unless publicly disclosed
24 in an open court, open administrative proceeding, or open meeting
25 or disclosed by the director pursuant to statute. Correspondence
26 specifically relating to".

27 9. On page 29, strike beginning with "All" in line 19

- 1 through line 21 and insert "No filing or any supporting information provided by an insurer pursuant to this section shall be open to public inspection pursuant to sections 84-712 to 84-712.09 before the approval or disapproval of the filing unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by the director pursuant to statute. Correspondence specifically relating to".
- 8 10. On page 39, strike beginning with "(1)" in line 20 through line 22 and renumber the remaining subsections accordingly.
- 10 11. On page 60, line 24, strike "and 42" and insert "39, 11 and 43".
- 12 12. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 1407. Placed on General File as amended.
Standing Committee amendment to LB 1407:
AM2597

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 "Section 1. The state may provide assistance for up to
4 twenty-four months to reimburse the work-related child care
5 expenses of families with gross incomes of up to one hundred
6 eighty-five percent of the federal poverty level. The amount of
7 such assistance shall be based on a cost-sharing plan between the
8 recipient family and the state and shall consider the assets of the
9 recipient family as well as the family's gross income. A recipient
10 family may be required to contribute up to twenty percent of such
11 family's gross income for child care. The Department of Health and
12 Human Services shall adopt and promulgate rules and regulations to
13 carry out this section.
- 14 Sec. 2. The Department of Health and Human Services and
15 the Department of Health and Human Services Finance and Support
16 shall conduct a study of the twenty-four-month limitation period
17 and the sliding-fee cost-sharing plan required by section 1 of this
18 act and the economic and social impacts of increasing the recipient
19 family's financial contribution toward the cost of care and
20 limiting the recipient family's eligibility under such section.
21 The departments shall report the results and recommendations of
22 such study to the Governor and the Legislature on or before
23 November 15, 2000. This section terminates on January 1, 2001.
- 24 Sec. 3. Section 68-1724, Reissue Revised Statutes of
1 Nebraska, is amended to read:
2 68-1724. (1) Cash assistance shall be provided for a
3 period or periods of time not to exceed a total of two years for
4 recipient families with children subject to the following:
5 (a) If the state fails to meet the specific terms of the
6 self-sufficiency contract developed under section 68-1719, the

7 two-year time limit established in this section shall be extended
8 for an additional period of not more than two years;

9 (b) The two-year time period for cash assistance shall
10 begin when the self-sufficiency contract is signed or when any
11 children born into the recipient family prior to the initial ten
12 months of assistance reach the age of six months, whichever is
13 later;

14 (c) When no longer eligible to receive cash assistance,
15 assistance shall be available to reimburse work-related child care
16 expenses even if the recipient family has not achieved economic
17 self-sufficiency in the same manner as prescribed in section 1 of
18 this act. The amount of such assistance shall be based on a
19 cost-shared plan between the recipient family and the state which
20 shall provide assistance up to one hundred eighty-five percent of
21 the federal poverty level for up to twenty-four months. A
22 recipient family may be required to contribute up to twenty percent
23 of such family's gross income for child care. It is the intent of
24 the Legislature that transitional health care coverage be made
25 available on a sliding-scale basis to individuals and families with
26 incomes up to one hundred eighty-five percent of the federal
27 poverty level if other health care coverage is not available;

1 (d) After receiving cash assistance under this section
2 for two years at a monthly payment level not exceeding that
3 provided in section 43-512, families shall receive no further cash
4 assistance pursuant to this section for at least two years after
5 the assistance period ends; and

6 (e) The self-sufficiency contract shall be revised and
7 the two-year time period for cash assistance extended when there is
8 no job available for adult members of the recipient family. It is
9 the intent of the Legislature that available job shall mean a job
10 which results in an income of at least equal to the amount of cash
11 assistance that would have been available if receiving assistance
12 minus unearned income available to the recipient family.

13 The department shall develop policy guidelines to allow
14 for cash assistance to persons who have received the maximum cash
15 assistance provided by this section and who face extreme hardship
16 without additional assistance. For purposes of this section,
17 extreme hardship means a recipient family does not have adequate
18 cash resources to meet the costs of the basic needs of food,
19 clothing, and housing without continuing assistance or the child or
20 children are at risk of losing care by and residence with their
21 parent or parents.

22 (2) Cash assistance conditions under the Welfare Reform
23 Act shall be as follows:

24 (a) Adults in recipient families shall mean individuals
25 at least nineteen years of age living with and related to a child
26 eighteen years of age or younger and shall include parents,
27 siblings, uncles, aunts, cousins, or grandparents, whether the
1 relationship is biological, adoptive, or step;

2 (b) The payment standard shall be based upon family size.
3 Any child born into the recipient family after the initial ten
4 months of participation in the program shall not increase the cash
5 assistance payment, except that child support or other income
6 received on behalf of such child or children shall not be
7 considered as countable income to the recipient family in
8 determining the amount of their cash assistance payment;
9 (c) The adults in the recipient family shall ensure that
10 the minor children regularly attend school. Education is a
11 valuable personal resource. The cash assistance provided to the
12 recipient family may be reduced when the parent or parents have
13 failed to take reasonable action to encourage the minor children of
14 the recipient family ages sixteen and under to regularly attend
15 school. No reduction of assistance shall be such as may result in
16 extreme hardship. It is the intent of the Legislature that a
17 process be developed to insure communication between the case
18 manager, the parent or parents, and the school to address issues
19 relating to school attendance;
20 (d) Two-parent families which would otherwise be eligible
21 under section 43-504 or a federally approved waiver shall receive
22 cash assistance under this section;
23 (e) For minor parents, the assistance payment shall be
24 based on the minor parent's income. If the minor parent lives with
25 at least one parent, the family's income shall be considered in
26 determining eligibility and cash assistance payment levels for the
27 minor parent. If the minor parent lives independently, support
1 shall be pursued from the parents of the minor parent. If the
2 absent parent of the minor's child is a minor, support from his or
3 her parents shall be pursued. Support from parents as allowed
4 under this subdivision shall not be pursued when the family income
5 is less than three hundred percent of the federal poverty
6 guidelines; and
7 (f) For adults who are not biological or adoptive parents
8 or stepparents of the child or children in the family, if
9 assistance is requested for the entire family, including the
10 adults, a self-sufficiency contract shall be entered into as
11 provided in section 68-1719. If assistance is requested for only
12 the child or children in such a family, such children shall be
13 eligible after consideration of the family's income and if (i) the
14 family cooperates in pursuing child support and (ii) the minor
15 children of the family regularly attend school.
16 Sec. 4. Original section 68-1724, Reissue Revised
17 Statutes of Nebraska, is repealed."

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Byars asked unanimous consent to be excused. No objections. So

ordered.

GENERAL FILE

LEGISLATIVE BILL 921. Title read. Considered.

The Standing Committee amendment, AM2072, found on page 418, was considered.

Senator Brashear moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendment was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Brashear offered the following amendment:

AM2612

- 1 1. Insert the following new sections:
- 2 "Sec. 27. Section 25-2804, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 25-2804. (1) Actions in the Small Claims Court shall be
- 5 commenced by the filing of a claim, personally or by mail, by the
- 6 plaintiff on a form provided by the clerk of a county court. The
- 7 claim form shall be executed by the plaintiff in the presence of a
- 8 judge, a clerk or deputy or assistant clerk of a county court, or a
- 9 notary public or other person authorized by law to take
- 10 acknowledgments. If not filed in person, the claim form and
- 11 appropriate fees shall be mailed by the plaintiff to the court of
- 12 proper jurisdiction.
- 13 (2) At the time of the filing of the claim, the plaintiff
- 14 shall pay a fee of five dollars to the clerk.
- 15 (3) Upon filing of a claim in the Small Claims Court, the
- 16 court shall set a time for hearing and shall cause notice to be
- 17 served upon the defendant. Notice shall be served not less than
- 18 five days before the time set for hearing. Notice shall consist of
- 19 a copy of the complaint and a summons directing the defendant to
- 20 appear at the time set for hearing and informing the defendant that
- 21 if he or she fails to appear, judgment will be entered against him
- 22 or her. Notice shall be served in the manner provided for service
- 23 of a summons in a civil action. If the notice is to be served by
- 24 certified mail, the clerk shall provide the plaintiff with written
- 1 instructions, prepared and provided by the State Court
- 2 Administrator, regarding the proper procedure for service by
- 3 certified mail. ; ~~except that service by certified mail shall be~~
- 4 ~~made by the clerk.~~ The cost of service shall be paid by the
- 5 plaintiff, but such cost and filing fee shall be added to any
- 6 judgment given the plaintiff.

7 (4) The defendant may file a setoff or counterclaim. Any
8 setoff or counterclaim shall be filed and a copy delivered to the
9 plaintiff at least two days prior to the time of trial. If the
10 setoff or counterclaim exceeds the jurisdictional limits of the
11 Small Claims Court as established pursuant to section 25-2802, the
12 court shall cause the entire matter to be transferred to the
13 regular county court docket and set for trial.

14 (5) No prejudgment actions for attachment, garnishment,
15 replevin, or other provisional remedy may be filed in the Small
16 Claims Court.

17 (6) All forms required by this section shall be
18 prescribed by the Supreme Court. The claim form shall provide for
19 the names and addresses of the plaintiff and defendant, a concise
20 statement of the nature, amount, and time and place of accruing of
21 the claim, and an acknowledgment for use by the person in whose
22 presence the claim form is executed and shall also contain a brief
23 explanation of the Small Claims Court procedure and methods of
24 appeal therefrom.

25 (7) Judgments rendered against a defendant in his or her
26 absence may not be set aside but may only be appealed as governed
27 by section 25-2807.

1 Sec. 29. Section 29-117, Revised Statutes Supplement,
2 1998, is amended to read:

3 29-117. The application for review provided in section
4 29-116 shall be accompanied by a copy of the order of the trial
5 court granting the motion to suppress and a ~~transcript of all bill~~
6 of exceptions containing all of the evidence, including affidavits,
7 considered by the trial court in its ruling on the motion, and so
8 certified by the trial court. The application shall be filed with
9 the Clerk of the Supreme Court, if the trial court is the district
10 court, or with the clerk of the district court, if the trial court
11 is the county court, within such time as may be ordered by the
12 trial court, which in fixing such time shall take into
13 consideration the length of time required to prepare the ~~necessary~~
14 transcripts bill of exceptions, and shall also consider whether the
15 defendant is in jail or whether he or she is on bail, but in no
16 event shall more than thirty days be given in which to file such
17 application.

18 Sec. 30. Section 29-825, Revised Statutes Supplement,
19 1998, is amended to read:

20 29-825. The application for review provided in section
21 29-824 shall be accompanied by a copy of the order of the trial
22 court granting the motion to suppress and a ~~transcript of bill of~~
23 exceptions containing all of the evidence, including affidavits,
24 considered by the trial court in its ruling on the motion, and so
25 certified by the trial court. The application shall be filed with
26 the Clerk of the Supreme Court, if the trial court is the district
27 court, or with the clerk of the district court, if the trial court

1 is the county court, within such time as may be ordered by the

2 trial court, which in fixing such time shall take into
3 consideration the length of time required to prepare the necessary
4 transcript bill of exceptions, and shall also consider whether the
5 defendant is in jail or whether he or she is on bail, but in no
6 event shall more than thirty days be given in which to file such
7 application."

8 2. On page 25, line 3, after "25-2733," insert
9 "25-2804,"; and in lines 4 and 5 strike "section 25-2001" and
10 insert "sections 25-2001, 29-117, and 29-825,".

11 3. Renumber the remaining sections accordingly.

The Brashear amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brashear offered the following amendment:

AM2613

1 1. Insert the following new section:

2 "Sec. 2. Section 25-208, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 25-208. The following actions can only be brought within
5 the periods stated in this section: Within one year, an action for
6 libel, or slander; ; assault and battery, false imprisonment, or
7 malicious prosecution or an action upon a statute for a penalty or
8 forfeiture, but if the statute giving such action prescribes a
9 different limitation, the action may be brought within the period
10 so limited; and within two years, an action for malpractice which
11 is not otherwise specifically limited by statute.

12 In the absence of any other shorter applicable statute of
13 limitations, any action for the recovery of any excise or other tax
14 which has been collected under any statute of the State of Nebraska
15 and which has been finally adjudged to be unconstitutional shall be
16 brought within one year after the final decision of the court
17 declaring it to be unconstitutional. This section shall not apply
18 to any action for the recovery of a property tax.

19 The changes made to this section by this legislative bill
20 shall apply to causes of action accruing on and after the effective
21 date of this act."

22 2. On page 24, line 28, after the first comma insert
23 "25-208,".

24 3. Renumber the remaining sections and correct internal
1 references accordingly.

The Brashear amendment was adopted with 26 ayes, 0 nays, 13 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1101A. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1101, Ninety-sixth Legislature, Second Session, 2000.

UNANIMOUS CONSENT - Add Cointroducer

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1399. No objections. So ordered.

VISITORS

The Doctor of the Day was Dr. Lynne Holz from Lincoln.

ADJOURNMENT

At 4:04 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, March 2, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 2, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 2, 2000

PRAYER

The prayer was offered by Father Richard Quinn, Holy Name Catholic Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Beutler who was excused; and Senators Bohlke, Brashear, Bromm, Kiel, Landis, Matzke, D. Pederson, Robak, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 1, 2000, 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

Gagne, Robert - Minneapolis, MN; Orphan Medical
Schwartz, Julia Plucker - Omaha; MultiState Associates Incorporated on behalf of AirTouch Communications (Withdrawn 2/28/2000)
Tushar, Danene J. - Omaha; MultiState Associates Incorporated on behalf of AirTouch Communications (Withdrawn 2/28/2000)
White, Anna C. - Minneapolis, MN; Orphan Medical

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 510:
Reconsider the vote on overriding the veto.

GENERAL FILE

LEGISLATIVE BILL 973. Title read. Considered.

The Standing Committee amendment, AM2218, found on page 522, was considered.

SENATOR SCHIMEK PRESIDING

Senators Kristensen and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

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

FA303

Amend AM2218

P. 1, line 12 strike "wagon".

The Chambers amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Pending.

SPEAKER KRISTENSEN PRESIDING**BILL ON FIRST READING**

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

LEGISLATIVE BILL 1107A. 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 1107, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 1067. Placed on General File as amended.

Standing Committee amendment to LB 1067:

AM2614

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 66-4,141, Revised Statutes

4 Supplement, 1998, is amended to read:

5 66-4,141. (1) Upon receipt of the cost figures required
6 by section 66-4,143, the department shall determine the statewide
7 average cost by dividing the total amount paid for motor vehicle
8 fuel, diesel fuel, and compressed fuel by the State of Nebraska,
9 excluding any state and federal taxes, by the total number of
10 gallons of motor vehicle fuel, diesel fuel, and compressed fuel
11 purchased during the reporting period.

12 (2) After computing the statewide average cost as
13 required in subsection (1) of this section, the department shall
14 multiply such statewide average cost by the tax rate established
15 pursuant to section 66-4,144.

16 (3) In making the computations required by subsections
17 (1) and (2) of this section, gallonage reported shall be rounded to
18 the nearest gallon and total costs shall be rounded to the nearest
19 dollar. All other computations shall be made with three decimal
20 places, except that after all computations have been made the tax
21 per gallon shall be rounded to the nearest one-tenth of one cent.

22 (4) The tax rate per gallon computed pursuant to this
23 section shall be distributed to all licensed motor vehicle fuel
24 suppliers, distributors, wholesalers, and importers, diesel fuel
25 suppliers, distributors, wholesalers, and importers, compressed
26 fuel retailers, and interstate motor vehicle operators who choose
27 to be subject to sections 66-490 to 66-494 at least five days prior
28 to the first day of any semiannual period during which the tax is
29 to be adjusted. Such tax rate shall be utilized in computing the
30 ~~tax~~ taxes due for the period specified by the department.

31 Sec. 2. Section 66-4,142, Revised Statutes Supplement,
32 1998, is amended to read:

33 66-4,142. (1) The department shall at the end of each
34 calendar quarter determine the total amount of motor fuel tax that
35 was not collected in the preceding calendar quarter due to the
36 credit provided in section 66-1344 and due to any exemption
37 provided in sections 66-489 and 66-4,105 less the amount
38 transferred to the Highway Trust Fund from the Ethanol Production
39 Incentive Cash Fund pursuant to section 66-1345.

40 (2) If the amount determined in subsection (1) of this
41 section is at least equal to the amount of revenue raised in the
42 same period by one-tenth of one cent of the fuel tax imposed by
43 sections 66-489, 66-4,105, 66-668, and 66-6,107, the department
44 shall for the next succeeding calendar quarter adjust the rate of
45 the fuel tax imposed by such sections in an amount which the
46 department estimates, ~~based on the estimates provided to the State~~
47 ~~Tax Board pursuant to section 66-4,144,~~ will raise sufficient
48 revenue to meet and not exceed the amount so determined, except
49 that all such adjustments shall be in increments of one-tenth of
50 one cent per gallon.

51 Sec. 3. Section 66-4,144, Revised Statutes Supplement,
52 1998, is amended to read:

2 66-4,144. (1) In order to insure that an adequate
3 balance in the Highway Restoration and Improvement Bond Fund is
4 maintained to meet the debt service requirements of bonds to be
5 issued by the commission under subsection (2) of section 39-2223,
6 the Governor may call a meeting of the State Tax Board at any time
7 in advance of the issuance of such bonds. At such meeting, the
8 board shall set the rate of Director-State Engineer shall certify
9 to the department the excise tax rate imposed by sections 66-4,140,
10 66-669, and 66-6,108 for each year during which such bonds are
11 outstanding necessary to provide in each such year money equal in
12 amount to not less than one hundred twenty-five percent of such
13 year's bond principal and interest payment requirements. The
14 department shall adjust the rate as certified by the Director-State
15 Engineer. Such rate shall be in addition to the rate of excise tax
16 set pursuant to subsection (2) of this section. Each such rate
17 shall be effective from July 1 of a stated year through June 30 of
18 the succeeding year or during such other period not longer than one
19 year as the board determines Director-State Engineer certifies to
20 be consistent with the principal and interest requirements of such
21 bonds. Such excise tax rates set pursuant to this subsection may
22 be increased, but such excise tax rates shall not be subject to
23 reduction or elimination unless the board Director-State Engineer
24 has received from the Nebraska Highway Bond Commission notice of
25 reduced principal and interest requirements for such bonds, in
26 which event the Governor may call a meeting of the board to
27 determine whether the rate or rates shall be changed Director-State
28 Engineer shall certify the new rate or rates to the department.
29 The new rate or rates, if any, set by the board shall become
30 effective on the first day of the following semiannual period.

31 (2) In order to insure that there is maintained an
32 adequate Highway Cash Fund balance to meet expenditures from such
33 fund as appropriated by the Legislature, within fifteen days after
34 the adjournment of each regular session of the Legislature, the
35 board shall set the rate of by June 15 or five days after the
36 adjournment of the regular legislative session each year, whichever
37 is later, the Director-State Engineer shall certify to the
38 department the excise tax rate to be imposed by sections 66-4,140,
39 66-669, and 66-6,108. The department shall adjust the rate in the
40 amount certified by the Director-State Engineer to which will be
41 effective from July 1 through June 30 of the succeeding year. The
42 rate of excise tax for a given July 1 through June 30 period set
43 pursuant to this subsection shall be in addition to and independent
44 of the rate or rates of excise tax set pursuant to subsection (1)
45 of this section for such period.

46 (3) The Department of Roads, with assistance from the
47 Department of Revenue, shall prepare and provide the necessary
48 information to each member of the board at least five days before
49 each meeting. Such information shall include, but not be limited
50 to, the unobligated balance in the Highway Cash Fund anticipated on

24 the subsequent June 30, monthly estimates of anticipated receipts
 25 to the Highway Cash Fund for the subsequent fiscal year, and the
 26 appropriations made from the Highway Cash Fund for the subsequent
 27 fiscal year.

1 (4) The board ~~The Director-State Engineer~~ shall determine
 2 the cash and investment balances of the Highway Cash Fund at the
 3 beginning of each fiscal year under consideration and the estimated
 4 receipts to the Highway Cash Fund from each source which provides
 5 at least one million dollars annually to such fund. The board
 6 ~~shall then fix the rate of excise tax in~~ shall be an amount
 7 sufficient to meet the appropriations made from the Highway Cash
 8 Fund by the Legislature. Such rate shall be set in increments of
 9 one-tenth of one percent.

10 (5) ~~On or before the fifteenth day of each month, the~~ (3)
 11 The Department of Roads shall provide to the Legislative Fiscal
 12 Analyst a copy of the information that is submitted to the
 13 Department of Revenue and used to set or adjust the excise tax
 14 rate, each member of the board and the Clerk of the Legislature a
 15 report reflecting a comparison of the Highway Cash Fund deposits
 16 for the preceding calendar month and fiscal year to date against
 17 the projections for the same periods and the limitations of
 18 information contained in such report. The projections in the
 19 report shall be those last used by the board in setting the excise
 20 tax rate for the periods being reviewed. The report shall contain
 21 a comparison of actual receipts received to date added to any
 22 modified projections of deposits to the Highway Cash Fund for the
 23 remainder of the current fiscal year, as supplied by the Department
 24 of Roads to the board, against the appropriation for the current
 25 fiscal year. If the accumulative total deposits to the Highway
 26 Cash Fund under Chapter 66, articles 4 and 6, for the fiscal year
 27 are at any time less than ninety-eight percent or greater than one
 1 hundred four percent of the projected deposits for such period or
 2 if

3 (4) If the actual receipts received to date added to any
 4 projections or modified projections of deposits to the Highway Cash
 5 Fund for the current fiscal year, as supplied by the Department of
 6 Roads to the board, are less than ninety-eight ~~ninety-nine~~ percent
 7 or greater than one hundred ~~four~~ two percent of the appropriation
 8 for the current fiscal year, the Governor may call a meeting of the
 9 board to determine whether the rate shall be changed. If such a
 10 change is required, the board shall set the new rate which shall
 11 become Director-State Engineer shall certify to the department the
 12 adjustment in rate necessary to meet the appropriations made from
 13 the Highway Cash Fund by the Legislature. The department shall
 14 adjust the rate in the amount certified by the Director-State
 15 Engineer to be effective on the first day of the following
 16 semiannual period.

17 (5) ~~(6)~~ Nothing in this section shall be construed to
 18 abrogate the duties of the Department of Roads or attempt to change

- 19 any highway improvement program schedule.
 20 Sec. 4. Original sections 66-4,141, 66-4,142, and
 21 66-4,144, Revised Statutes Supplement, 1998, are repealed.
 22 Sec. 5. The following sections are outright repealed:
 23 Sections 77-501, 77-502, and 77-503, Revised Statutes Supplement,
 24 1998.
 25 Sec. 6. Since an emergency exists, this act takes effect
 26 when passed and approved according to law."

(Signed) William R. Wickersham, Chairperson

General Affairs

LEGISLATIVE BILL 1130. Placed on General File as amended.

Standing Committee amendment to LB 1130:

AM2615

- 1 1. On page 2, strike beginning with the underscored
 2 colon in line 26 through "Consume" in line 27 and insert "
 3 consume".
 4 2. On page 3, strike beginning with the underscored
 5 semicolon in line 11 through "liquor" in line 17.
 6 3. On page 6, line 15, after "of" insert "not less than
 7 sixty days and not more than".
 8 4. On page 7, strike beginning with "be" in line 23
 9 through "shall" in line 24.
 10 5. On page 8, strike beginning with "The" in line 2
 11 through line 8.

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senator Jensen filed the following amendment to LB 352:

AM2605

(Amendments to Standing Committee amendments, AM2000)

- 1 1. On page 1, lines 2, 6, 8, 13, and 24; and page 2,
 2 lines 1, 4, and 8, strike all occurrences of "2002" and insert
 3 "2003".

GENERAL FILE

LEGISLATIVE BILL 409. Title read. Considered.

The Standing Committee amendment, AM0972, found on page 1255, First Session, 1999, was considered.

Senator Vrtiska asked unanimous consent to pass over LB 409. No objections. So ordered.

LEGISLATIVE BILL 613. Title read. Considered.

Senator Chambers moved to indefinitely postpone LB 613.

Pending.

LEGISLATIVE BILL 696. Title read. Considered.

The Standing Committee amendment, AM1082, found on page 1313, First Session, 1999, was considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 696.

Laid over.

LEGISLATIVE BILL 709. Title read. Considered.

The Standing Committee amendment, AM1062, printed separately and referred to on page 1526, First Session, 1999, was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 915. Title read. Considered.

Senator Chambers moved to indefinitely postpone LB 915.

Laid over.

LEGISLATIVE BILL 918. Title read. Considered.

Senator Chambers moved to indefinitely postpone LB 918.

Senator Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Engel asked unanimous consent to be excused. No objections. So ordered.

Laid over.

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 923. Title read. Considered.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers moved to indefinitely postpone LB 923.

Laid over.

LEGISLATIVE BILL 954. Title read. Considered.

Senators Bourne and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to indefinitely postpone LB 954.

Laid over.

LEGISLATIVE BILL 1012. Title read. Considered.

Senator Bruning requested to pass over LB 1012.

LEGISLATIVE BILL 1023. Title read. Considered.

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM2244, found on page 698, 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 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1085. Title read. Considered.

The Standing Committee amendment, AM2034, found on page 419, was adopted with 33 ayes, 0 nays, 9 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.

Senator Lynch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1146. Title read. Considered.

The Standing Committee amendment, AM2242, found on page 677, was

adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 1146.

Laid over.

Senators Schrock and Cudaback asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1170. Title read. Considered.

The Standing Committee amendment, AM2112, printed separately and referred to on page 572, was considered.

Senators Brashear, Schmitt, Aguilar, Price, and Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

LEGISLATIVE BILL 1197. Title read. Considered.

Senators Thompson and Suttle asked unanimous consent to be excused until their return. No objections. So ordered.

The Standing Committee amendment, AM2328, found on page 720, was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

AMENDMENT - Print in Journal

Senator Suttle filed the following amendment to LB 1025:
AM2592

(Amendments to Standing Committee amendments, AM2321)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Nebraska Center for Nursing Act.
- 5 Sec. 2. The Legislature finds that it is imperative that
- 6 the State of Nebraska protect its investment and the progress made
- 7 in its efforts to alleviate the nursing shortage which exists. The
- 8 Legislature also finds that the Nebraska Center for Nursing will
- 9 provide the appropriate means to do so. It is the intent of the
- 10 Legislature to appropriate funds necessary for the center to carry
- 11 out the Nebraska Center for Nursing Act.
- 12 Sec. 3. The Nebraska Center for Nursing is established.

- 13 The center shall address issues of supply and demand for nurses,
14 including issues of recruitment, retention, and utilization of
15 nurses. The Legislature finds that the center will repay the
16 state's investment by providing an ongoing strategy for the
17 allocation of the state's resources directed towards nursing. The
18 primary goals for the center are:
- 19 (1) To develop a strategic statewide plan to alleviate
20 the nursing shortage in Nebraska by:
 - 21 (a) Establishing and maintaining a data base on nursing
22 supply and demand in Nebraska, including current supply and demand
23 and future projections; and
 - 1 (b) Selecting priorities from the plan to be addressed;
 - 2 (2) To convene various groups representative of nurses,
3 other health care providers, business and industry, consumers,
4 legislators, and educators to:
 - 5 (a) Review and comment on data analysis prepared for the
6 center;
 - 7 (b) Recommend systemic changes, including strategies for
8 implementation of recommended changes; and
 - 9 (c) Evaluate and report the results of these efforts to
10 the Legislature and the public; and
 - 11 (3) To enhance and promote recognition, reward, and
12 renewal activities for nurses by:
 - 13 (a) Proposing and creating reward, recognition, and
14 renewal activities; and
 - 15 (b) Promoting media and positive image-building efforts
16 for nursing.
 - 17 Sec. 4. (1) The Nebraska Center for Nursing Board is
18 created. The board shall be a policy-setting board for the
19 Nebraska Center for Nursing. The board shall be appointed by the
20 Governor as follows:
 - 21 (a) Ten members, at least three of whom shall be
22 registered nurses, one of whom shall be a licensed practical nurse,
23 one of whom shall be a representative of the hospital industry, and
24 one of whom shall be a representative of the long-term care
25 industry;
 - 26 (b) One nurse educator recommended by the Board of
27 Regents of the University of Nebraska;
 - 1 (c) One nurse educator recommended by the Nebraska
2 Community College Association;
 - 3 (d) One nurse educator recommended by the Nebraska
4 Association of Independent Colleges and Universities; and
 - 5 (e) Three members recommended by the State Board of
6 Health.
 - 7 (2) The initial terms of the members of the Nebraska
8 Center for Nursing Board shall be:
 - 9 (a) Five of the ten members appointed under subdivision
10 (1)(a) shall serve for one year and five shall serve for two years;
 - 11 (b) The member recommended by the Board of Regents shall

12 serve three years;

13 (c) The member recommended by the Nebraska Community
14 College Association shall serve two years;

15 (d) The member recommended by the Nebraska Association of
16 Independent Colleges and Universities shall serve one year; and

17 (e) The members recommended by the State Board of Health
18 shall serve three years.

19 The initial appointments shall be made within sixty days

20 after the effective date of this act. After the initial terms

21 expire, the terms of all of the members shall be three years with

22 no member serving more than two consecutive terms.

23 (3) The board shall have the following powers and duties:

24 (a) To determine operational policy;

25 (b) To elect a chairperson and officers to serve two-year

26 terms. The chairperson and officers may not succeed themselves;

27 (c) To establish committees of the board as needed;

1 (d) To appoint a multidisciplinary advisory council for
2 input and advice on policy matters;

3 (e) To implement the major functions of the Nebraska

4 Center for Nursing; and

5 (f) To seek and accept nonstate funds for carrying out
6 center policy.

7 (4) The board members shall be reimbursed for their

8 actual and necessary expenses as provided in sections 81-1174 to

9 81-1177.

10 (5) The Department of Health and Human Services

11 Regulation and Licensure shall provide administrative support for

12 the board. The board may contract for additional support not

13 provided by the department.

14 Sec. 5. The Nebraska Center for Nursing Act terminates

15 on July 1, 2005."

MOTION - Print in Journal

Senator Smith filed the following motion to LB 1145:

Indefinitely postpone LB 1145.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 1145:

FA304

Strike the emergency clause

Senator Smith filed the following amendment to LB 1145:

FA305

P 2, line 9 beginning with the comma prior to "except," strike ", except this provision shall not apply"

Senator Smith filed the following amendment to LB 1145:

FA306

P. 2, line 19 strike beginning with "of" through (line 20) "report"

REPORTS

The following reports were received by the Legislature:

Education, Department of

Nebraska School Finance Review Committee Annual Report

Property Assessment and Taxation, Department of

Redevelopment Projects of Cities Using Tax Increment Financing

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 1192. Placed on Select File as amended.
(E & R amendment, AM7213, 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 1107. Placed on Select File as amended.

E & R amendment to LB 1107:

AM7214

- 1 1. On page 7, line 7, strike "value" and insert
- 2 "valuation".

LEGISLATIVE BILL 930. Placed on Select File as amended.

E & R amendment to LB 930:

AM7211

- 1 1. On page 1, line 2, after the fourth comma insert
- 2 "and" and strike "and"; in line 3 strike "48-146.01,"; in line 6
- 3 after the first comma insert "and" and strike ", and workers"; and
- 4 in line 7 strike "compensation insurance".
- 5 2. On page 17, line 16, after "contribution" insert an
- 6 underscored comma.

LEGISLATIVE BILL 944. Placed on Select File.

LEGISLATIVE BILL 960. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 1334. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 1079. Placed on General File.

LEGISLATIVE BILL 1280. Placed on General File.

LEGISLATIVE BILL 1222. Placed on General File as amended.

Standing Committee amendment to LB 1222:

AM2317

- 1 1. On page 4, line 6, after the period insert "The
- 2 departments shall adopt and promulgate rules and regulations to
- 3 carry out the act."; in line 12 strike "; (2)" and insert "or"; in
- 4 line 13 strike "(3)" and insert "(2)"; and in line 14 strike "(4)"
- 5 and insert "(3)".

LEGISLATIVE BILL 1348. Placed on General File as amended.

Standing Committee amendment to LB 1348:

AM2527

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the Nebraska Agricultural and Rural
- 5 Opportunities Act.
- 6 Sec. 2. (1) The Legislature finds that there is a
- 7 serious economic crisis in most of rural Nebraska, particularly in
- 8 the agricultural sector of the economy.
- 9 (2) The Legislature finds that there is a need in rural
- 10 Nebraska to develop strategies and programs to create genuine
- 11 economic opportunities that enable people to improve their incomes,
- 12 avoid poverty, build assets, and develop their capacity to
- 13 contribute to the betterment of their communities.
- 14 (3) The Legislature finds that strong communities enable
- 15 local residents to be more self-sufficient, which contributes to
- 16 the overall strength and well-being of Nebraska.
- 17 (4) The Legislature finds that there is a need to:
- 18 (a) Support self-employment and small-scale
- 19 entrepreneurship in both agricultural and nonagricultural
- 20 activities;
- 21 (b) Enhance income and opportunities for farms and
- 22 ranches to stem the decline in the number of such operations;
- 23 (c) Develop strategies and programs to increase the farm
- 24 and ranch share of the food system profit; and
- 1 (d) Build the capacity of farms and ranches and small
- 2 rural businesses to benefit from the development of electronic
- 3 commerce.
- 4 Sec. 3. For purposes of the Nebraska Agricultural and
- 5 Rural Opportunities Act, farming or ranching means the active use,
- 6 management, and operation of real and personal property for the
- 7 production of crops or raising of livestock.
- 8 Sec. 4. (1) An agricultural opportunities grant program

9 shall be administered by the Department of Agriculture as provided
10 in sections 4 to 8 of this act.

11 (2) The purposes of the agricultural opportunities grant
12 program are to:

13 (a) Enhance the income and opportunity for farms and
14 ranches in Nebraska and to stem the decline in their numbers;

15 (b) Increase the farm and ranch share of the food system
16 profit;

17 (c) Enhance the economic and social viability of rural
18 communities in Nebraska that depend on agricultural production;

19 (d) Support small enterprise formation in the
20 agricultural sector of Nebraska's rural economy and to enhance the
21 self-employment opportunities in all Nebraska communities;

22 (e) Support the development of agricultural communities
23 and economic opportunity through innovative uses of Nebraska's land
24 and water resources, while conserving and strengthening resource
25 quality for current and future generations; and

26 (f) Enhance opportunities for farms and ranches to
27 participate in electronic commerce and new and emerging markets
1 that strengthen rural economic opportunities.

2 Sec. 5. (1) The Department of Agriculture shall
3 establish a system to provide agricultural opportunities grants of
4 up to seventy-five thousand dollars annually to organizations and
5 entities for the purposes specified in section 4 of this act.
6 Eligible entities for such grants shall include communities,
7 counties, agencies, educational institutions, economic development
8 providers, nonprofit corporations, not-for-profit corporations,
9 agricultural cooperatives, agricultural associations, agricultural
10 marketing associations or entities, resource conservation and
11 development areas, and development districts.

12 (2) Grants provided under the agricultural opportunities
13 grant program shall directly address one or more of the purposes
14 specified in section 4 of this act, and shall result in private new
15 enterprise formation or expanded incomes and economic opportunities
16 for existing enterprises. The applications selected for funding
17 shall be those that make the greatest contribution to increasing
18 the number and quality of self-employment opportunities in farming
19 and ranching.

20 (3) Grants may be used to support:

21 (a) Research;

22 (b) Education and training;

23 (c) Market development;

24 (d) Business planning assistance, feasibility and market
25 studies, capitalization plans, and technical assistance;

26 (e) Development of cooperatives;

27 (f) Community and multi-community initiatives;

1 (g) Retention and transfer of agricultural and
2 nonagricultural businesses in rural communities;

3 (h) Community-based, farmer or rancher owned value-added

4 initiatives; and
5 (i) Other activities that are deemed necessary to fulfill
6 the purposes specified in section 4 of this act.
7 Sec. 6. (1) To be eligible for an agricultural
8 opportunities grant, an applicant shall:
9 (a) Document a matching amount in money or in-kind
10 contributions or a combination of both equal to twenty-five percent
11 of the grant funds requested;
12 (b) Specify measurable goals and expected outcomes for
13 the project for which the grant funds are requested; and
14 (c) Specify an evaluation and impact assessment process
15 or procedure for the project for which the grant funds are
16 requested.
17 (2) Grant funds may only be administered by an entity or
18 organization eligible to receive grants under section 5 of this
19 act. A recipient of a grant shall not use the grant funds to
20 replace other funding for the administrative support of the
21 recipient.
22 (3) A recipient of a grant under section 5 of this act
23 shall not receive more than one grant in any one calendar year for
24 the same project.
25 (4) Grants awarded pursuant to this section shall be
26 awarded on a one-year basis but may be renewed on an annual basis.
27 The Department of Agriculture shall develop an annual performance
1 review process and a program for grant renewal of approved projects
2 determined to have continued necessary statewide application and
3 success, given the purposes specified in section 4 of this act.
4 (5) For purposes of this section, project means any
5 activity designed to promote the purposes specified in section 4 of
6 this act. Project does not mean, and grant funds shall not be used
7 for, any activity primarily designed to contribute to a single
8 business, enterprise, or individual.
9 Sec. 7. The Department of Agriculture shall submit an
10 annual report to the Governor and Legislature on or before January
11 1 listing the recipients and grant amounts made under the
12 agricultural opportunities grant program as provided in sections 4
13 to 8 of this act in the previous year, the documented and
14 measurable impacts of the grants, and an evaluation of the
15 program's performance based on the measurable goals and expected
16 outcomes of the recipients of the grants. Copies of the program
17 performance evaluation shall be made available through print and
18 electronic media.
19 Sec. 8. The Department of Agriculture shall adopt and
20 promulgate rules and regulations to carry out the agricultural
21 opportunities grant program. The department shall coordinate
22 activities funded by grants under section 5 of this act with other
23 organizations or institutions working on similar activities in the
24 state.
25 Sec. 9. The Agricultural and Rural Opportunities Cash

26 Fund is created. The fund shall be used by the Department of
27 Agriculture for grants awarded pursuant to the Nebraska
1 Agricultural and Rural Opportunities Act. Money credited to the
2 fund shall include any monetary gifts, grants, donations, proceeds
3 from contracts for services, and reimbursement of expenses. The
4 department shall seek money from sources such as, but not limited
5 to, federal funds, commodity checkoff funds, private donations, and
6 private grants. All such funds shall be credited to the
7 Agricultural and Rural Opportunities Cash Fund. Any money in the
8 fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act
10 and the Nebraska State Funds Investment Act. No funds shall be
11 received or accepted for the Agricultural and Rural Opportunities
12 Cash Fund that are designated for the purpose or the benefit of a
13 single business, enterprise, or individual.

14 Sec. 10. It is the intent of the Legislature to
15 appropriate in each of fiscal years 2001-02 and 2002-03:

16 (1) One million dollars to fund the agricultural
17 opportunities grant program under the Nebraska Agricultural and
18 Rural Opportunities Act; and

19 (2) Eight hundred seventy-five thousand dollars to the
20 Microenterprise Partnership Program as specified in the
21 Microenterprise Development Act.

22 Sec. 11. Section 81-1299, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1299. The department shall establish the
25 Microenterprise Partnership Program. In order to implement the
26 program, the department:

27 (1) Shall provide grants of up to twenty-five thousand
1 dollars to microloan delivery organizations for the purposes
2 specified in the Microenterprise Development Act. If, upon
3 determination during the selection process that an applicant is
4 making a significant contribution to unserved communities and
5 neighborhoods and would enhance the act's purpose of establishing a
6 statewide network of microloan delivery organizations, grants of up
7 to fifty thousand dollars may be provided. To the maximum extent
8 possible, the selection process should assure that the distribution
9 of such grants provides equitable access to the act's benefits by
10 all geographic areas of the state;

11 (2) May engage in contractual relationships with
12 statewide microlending support organizations which shall serve as
13 agents for the department in order to effect the purposes and
14 fulfill the requirements of the act; and

15 (3) May identify and coordinate other state and federal
16 sources of funds which may be available to the department to
17 enhance the state's ability to facilitate program grants pursuant
18 to the program.

19 Sec. 12. Section 81-12,102, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-12,102. The granting of any appropriated funds to a
22 microloan delivery organization must meet the following
23 qualifications:
24 (1) Granted funds must be matched by nonstate funds
25 equivalent in money or ~~in kind equal to one dollar for each one~~
26 dollar in-kind contributions or a combination of both equal to
27 fifty percent of the grant funds requested. Such matching funds
1 can come from any nonstate source, including private foundations,
2 federal or local government sources, quasi-governmental entities or
3 commercial lending institutions, or any other funds whose source
4 does not include funds appropriated from the Legislature; and
5 (2) At least fifty percent of microloan funds must be
6 disbursed by the microloan delivery organizations in microloans
7 which do not exceed ten thousand dollars.
8 Sec. 13. Section 81-12,103, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-12,103. When engaging in contractual relationships
11 with a statewide microlending support organization the department
12 shall:
13 (1) Require that appropriated funds to a statewide
14 microlending support organization be matched by nonstate funds
15 equivalent in money or ~~in kind equal to one dollar for each one~~
16 dollar in-kind contributions or a combination of both equal to
17 fifty percent of the grant funds requested. Such matching funds
18 can come from any nonstate source, including private foundations,
19 federal or local government sources, quasi-governmental entities or
20 commercial lending institutions, or any other funds whose source
21 does not include funds appropriated from the Legislature. Such
22 appropriated funds and matched funds shall be determined in the
23 contractual agreement to be subject to the matching requirements
24 required by the Microenterprise Development Act for the purposes of
25 making grants to microloan delivery organizations;
26 (2) Require the statewide microlending support
27 organization to make and administer grants as specified by the
1 purposes and granting criteria provided by the act; and
2 (3) Require that no greater than ten percent of the
3 appropriated or contracted funds are used for operating or
4 administering the grant program provided by the act.
5 Sec. 14. Original sections 81-1299, 81-12,102, and
6 81-12,103, Reissue Revised Statutes of Nebraska, are repealed."

(Signed) Merton L. Dierks, Chairperson

Revenue

LEGISLATIVE BILL 916. Placed on General File.
LEGISLATIVE BILL 946. Placed on General File.

(Signed) William R. Wickersham, Chairperson

VISITORS

Visitors to the Chamber were Rev. Dennis Kneer from Watertown, Wisconsin; 13 high school students, teacher, and sponsors from Youth Rehabilitation and Treatment Center, Kearney; and 7 Japanese students and teachers from Creighton University, Omaha.

The Doctor of the Day was Dr. Michael Sayers from Lincoln.

ADJOURNMENT

At 12:29 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 7, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 7, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 7, 2000

PRAYER

The prayer was offered by Reverend Jane Heenan, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Bruning and Matzke who were excused; and Senators Bohlke, Dierks, Hartnett, Kiel, Kristensen, Landis, Price, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1345. Placed on General File.

LEGISLATIVE BILL 990. Indefinitely postponed.
LEGISLATIVE BILL 1024. Indefinitely postponed.
LEGISLATIVE BILL 1041. Indefinitely postponed.
LEGISLATIVE BILL 1057. Indefinitely postponed.
LEGISLATIVE BILL 1061. Indefinitely postponed.
LEGISLATIVE BILL 1063. Indefinitely postponed.
LEGISLATIVE BILL 1070. Indefinitely postponed.
LEGISLATIVE BILL 1114. Indefinitely postponed.
LEGISLATIVE BILL 1132. Indefinitely postponed.
LEGISLATIVE BILL 1180. Indefinitely postponed.
LEGISLATIVE BILL 1187. Indefinitely postponed.

LEGISLATIVE BILL 1193. Indefinitely postponed.
LEGISLATIVE BILL 1230. Indefinitely postponed.
LEGISLATIVE BILL 1293. Indefinitely postponed.
LEGISLATIVE BILL 1316. Indefinitely postponed.
LEGISLATIVE BILL 1338. Indefinitely postponed.
LEGISLATIVE BILL 1351. Indefinitely postponed.
LEGISLATIVE BILL 1354. Indefinitely postponed.
LEGISLATIVE BILL 1374. Indefinitely postponed.
LEGISLATIVE BILL 1444. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

MOTION - Approve Appointments

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 845: State Board of Health - Samuel Augustine, Jeffrey Akerson, James Schiefen, and David Hoover; and Health and Human Services System Partnership Council - Stacie Bleicher and Peter Tulipana.

Senator Jensen requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 845: State Board of Health - Samuel Augustine, Jeffrey Akerson, James Schiefen, and David Hoover.

Voting in the affirmative, 27:

Aguilar	Baker	Bourne	Brown	Connealy
Crosby	Dickey	Dierks	Engel	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Pedersen, Dw.	Pederson, D.	Preister	Quandahl	Redfield
Robak	Schimek	Smith	Stuhr	Suttle
Thompson	Tyson			

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Beutler	Brashear	Bromm	Byars	Coorsden
Cudaback	Lynch	Raikes	Schmitt	Schrock
Vrtiska	Wehrbein			

Excused and not voting, 9:

Bohlke	Bruning	Hartnett	Kiel	Kristensen
Landis	Matzke	Price	Wickersham	

The appointments were confirmed with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

The second division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 845: Health and Human Services System Partnership Council - Stacie Bleicher.

Voting in the affirmative, 32:

Aguilar	Baker	Bourne	Brashear	Brown
Byars	Chambers	Connealy	Crosby	Dickey
Dierks	Engel	Hilgert	Hudkins	Jensen
Jones	Kremer	Lynch	Pedersen, Dw.	Pederson, D.
Preister	Quandahl	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Bromm	Coordsen	Cudaback	Janssen
Raikes	Robak	Schmitt		

Excused and not voting, 9:

Bohlke	Bruning	Hartnett	Kiel	Kristensen
Landis	Matzke	Price	Wickersham	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Raikes asked unanimous consent to be excused until he returns. No objections. So ordered.

The third division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 845: Health and Human Services System Partnership Council - Peter Tulipana.

Voting in the affirmative, 31:

Aguilar	Baker	Bourne	Bromm	Brown
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Byars	Connealy	Crosby	Dickey	Dierks
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Lynch	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Beutler	Brashear	Coordsen	Cudaback	Engel
Robak	Schmitt			

Excused and not voting, 10:

Bohlke	Bruning	Hartnett	Kiel	Kristensen
Landis	Matzke	Price	Raikes	Wickersham

The appointment was confirmed with 31 ayes, 1 nay, 7 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1101. Title read. Considered.

The Standing Committee amendment, AM2473, found on page 839, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

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

Senator Chambers offered the following amendment:

FA307

P. 2, line 11, strike "accordance" and insert "compliance"

Senators Kremer and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment:

FA308

P. 3, line 23, strike ", but not limited to"

Senators Jones and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

The Chambers amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment:
FA309

P. 2, line 21, strike "but not limited to."

Senator Chambers withdrew his amendment.

Senator Chambers moved to indefinitely postpone LB 1101.

Laid over.

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 414. Title read. Considered.

The Standing Committee amendment, AM2008, printed separately and referred to on page 508, was considered.

Senators Hilgert and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM2565, found on page 813, to the Standing Committee amendment.

Pending.

MOTION - Suspend Rules

Senator Schrock moved to suspend the rules, Rule 3, Section 13, to permit cancellation of the public hearing on LR 304 by the Natural Resources Committee.

The Schrock motion to suspend the rules prevailed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 304	Wednesday, March 8, 2000 (cancel)	8:30 a.m.
LR 304	Wednesday, March 15, 2000 (reschedule)	8:30 a.m.

(Signed) Edward J. Schrock, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1425. Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

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 Equalization and Review Commission
Mark Reynolds

VOTE: Aye: Senators Bohlke, Coordsen, Dierks, Hartnett, Landis, Raikes, Redfield, and Wickersham. Nay: None. Absent: None.

(Signed) William R. Wickersham, Chairperson

AMENDMENTS - Print in Journal

Senator Brown filed the following amendment to LB 1135:
AM2585

- 1 1. Insert the following new sections:
- 2 "Sec. 6. The Early Childhood Interagency Coordinating
- 3 Council is created. The council shall advise and assist the
- 4 collaborating agencies in carrying out the provisions of the Early
- 5 Intervention Act, the Quality Child Care Act, sections 79-1101 to
- 6 79-1104, and other early childhood care and education initiatives
- 7 under state supervision. The members of the council shall be
- 8 appointed by the Governor according to the requirements for the
- 9 state interagency coordinating council under federal law and shall
- 10 include, but not be limited to:
- 11 (1) Parents of children who require early intervention
- 12 services, early childhood special education, and other early
- 13 childhood care and education services; and
- 14 (2) Representatives of school districts, social services,
- 15 health and medical services, family child care and center-based
- 16 early childhood care and education programs, agencies providing
- 17 training to staff of child care programs, resource and referral
- 18 agencies, mental health services, developmental disabilities
- 19 services, educational service units, Head Start, higher education,
- 20 physicians, the Legislature, business leaders, and the
- 21 collaborating agencies.
- 22 Terms of the members shall be for three years, and a
- 23 member shall not serve more than two consecutive terms. Members
- 24 shall be reimbursed for their actual and necessary expenses,

1 including child care, with funds provided for such purposes,
2 through the Early Intervention Act, the Quality Child Care Act, and
3 sections 79-1101 to 79-1104.

4 Members of the Nebraska Interagency Coordinating Council
5 -serving on the effective date of this act shall constitute the
6 Early Childhood Interagency Coordinating Council and shall serve
7 for the remainder of the terms they are serving. The Governor
8 shall make additional appointments to provide the representation
9 required by this section and to fill vacancies as needed. The
10 Governor shall set the initial terms of additional appointees at
11 one, two, or three years to result in staggered terms for the
12 membership of the council. The Department of Health and Human
13 Services, the Department of Health and Human Services Regulation
14 and Licensure, and the State Department of Education shall provide
15 and coordinate staff assistance to the Early Childhood Interagency
16 Coordinating Council.

17 Sec. 7. With respect to the Early Intervention Act, the
18 Quality Child Care Act, and sections 79-1101 to 79-1104, the Early
19 Childhood Interagency Coordinating Council shall serve in an
20 advisory capacity to state agencies responsible for early childhood
21 care and education, including care for school-age children in order
22 to:

23 (1) Promote the policies set forth in the Early
24 Intervention Act, the Quality Child Care Act, and sections 79-1101
25 to 79-1104;

26 (2) Facilitate collaboration with the federally
27 administered Head Start program;

1 (3) Make recommendations to the Department of Health and
2 Human Services, the Department of Health and Human Services Finance
3 and Support, the Department of Health and Human Services Regulation
4 and Licensure, the State Department of Education, and other state
5 agencies involved in the regulation or provision of early childhood
6 care and education on the needs, priorities, programs, and policies
7 relating to such programs throughout the state;

8 (4) Make recommendations to the lead agency or agencies
9 which prepare and submit applications for federal funding;

10 (5) Review new or proposed revisions to rules and
11 regulations governing the registration or licensing of early
12 childhood care and education programs;

13 (6) Study and recommend additional resources for early
14 childhood care and education programs; and

15 (7) Report biennially to the Governor and Legislature on
16 the status of early intervention and early childhood care and
17 education in the state.

18 Sec. 8. With respect to the Early Intervention Act, the
19 Early Childhood Interagency Coordinating Council and collaborating
20 agencies shall make recommendations regarding the following to the
21 lead agency or agencies which shall have the responsibility and
22 authority for:

- 23 (1) The general administration, supervision, and
24 monitoring of programs and activities receiving federal funds under
25 the federal early intervention program to ensure compliance with
26 federal law;
- 27 (2) The identification and coordination of all available
1 resources within the state from federal, state, local, and private
2 sources;
- 3 (3) The development of procedural safeguards, including
4 procedures for complaints and appeals, to ensure that services
5 coordination is provided to eligible infants or toddlers with
6 disabilities or possible disabilities and their families in a
7 timely manner pending the resolution of any disputes among public
8 agencies or service providers;
- 9 (4) The entry into formal interagency agreements that
10 include components necessary to ensure meaningful cooperation and
11 coordination; and
- 12 (5) The coordination of interagency rules and regulations
13 pursuant to the Early Intervention Act.
- 14 Sec. 9. Section 43-2505, Revised Statutes Supplement,
15 1999, is amended to read:
- 16 43-2505. For purposes of the Early Intervention Act:
- 17 (1) Collaborating agencies means the Department of Health
18 and Human Services and the State Department of Education;
- 19 (2) Developmental delay has the definition found in
20 section 79-1118.01;
- 21 (3) Early intervention services may include services
22 which:
- 23 (a) Are designed to meet the developmental needs of each
24 eligible infant or toddler with disabilities and the needs of the
25 family related to enhancing the development of their infant or
26 toddler;
- 27 (b) Are selected in collaboration with the parent or
1 guardian;
- 2 (c) Are provided in accordance with an individualized
3 family service plan;
- 4 (d) Meet all applicable federal and state standards; and
- 5 (e) Are provided, to the maximum extent appropriate, in
6 natural environments including the home and community settings in
7 which infants and toddlers without disabilities participate;
- 8 (4) Eligible infant or toddler with disabilities means a
9 child who needs early intervention services and is two years of age
10 or younger, except that toddlers who reach age three during the
11 school year shall remain eligible throughout that school year. The
12 need for early intervention services is established when the infant
13 or toddler experiences developmental delays or any of the other
14 disabilities described in the Special Education Act;
- 15 (5) Federal early intervention program means the federal
16 early intervention program for infants and toddlers with
17 disabilities, 20 U.S.C. 1471 to 1485;

18 (6) Individualized family service plan means the process,
19 periodically documented in writing, of determining appropriate
20 early intervention services for an eligible infant or toddler with
21 disabilities and his or her family;

22 (7) Interagency planning team means an organized group of
23 interdisciplinary, interagency representatives, community leaders,
24 and family members in each local community or region;

25 (8) Lead agency or agencies means the Department of
26 Health and Human Services and State Department of Education and any
27 other agencies designated by the Governor for general

1 administration, supervision, and monitoring of programs and
2 activities receiving federal funds under the federal early
3 intervention program and state funds appropriated for early

4 intervention services under the Early Intervention Act; and

5 (9) Nebraska Interagency Coordinating Council means the

6 state council the function of which is to advise and assist the

7 collaborating agencies in carrying out the provisions of the act.

8 The members of the council shall be appointed by the Governor and
9 shall include, but not be limited to, representatives of school

10 districts, social services, health and medical services, parents,

11 mental health services, developmental disabilities services,

12 educational service units, Head Start, higher education,

13 physicians, the Legislature, and the collaborating agencies; and

14 (10) Services coordination means a flexible process of

15 interaction facilitated by a services coordinator to assist the

16 family of an eligible infant or toddler with disabilities within a

17 community to identify and meet their needs pursuant to the act.

18 Services coordination under the act shall not duplicate any case

19 management services which an eligible infant or toddler with

20 disabilities and his or her family are already receiving or

21 eligible to receive from other sources.

22 Sec. 10. Section 43-2620, Revised Statutes Supplement,

23 1999, is amended to read:

24 43-2620. The Department of Health and Human Services,

25 the Department of Health and Human Services Regulation and

26 Licensure, and the State Department of Education shall collaborate

27 in their activities and may:

1 (1) Encourage the development of comprehensive systems of
2 child care programs and early childhood education programs which
3 promote the wholesome growth and educational development of
4 children, regardless of the child's level of ability;

5 (2) Encourage and promote the provision of parenting
6 education, developmentally appropriate activities, and primary
7 prevention services by program providers;

8 (3) Facilitate cooperation between the private and public
9 sectors in order to promote the expansion of child care;

10 (4) Promote continuing study of the need for child care
11 and early childhood education and the most effective methods by
12 which these needs can be served through governmental and private

13 programs;

14 (5) Coordinate activities with other state agencies

15 serving children and families;

16 (6) Strive to make the state a model employer by

17 encouraging the state to offer a variety of child care benefit

18 options to its employees;

19 (7) Provide training for child care providers as

20 authorized in sections 79-1101 to 79-1103;

21 (8) Develop and support resource and referral services

22 for parents and providers that will be in place statewide by

23 January 1, 1994;

24 (9) Promote the involvement of businesses and communities

25 in the development of child care throughout the state by providing

26 technical assistance to providers and potential providers of child

27 care;

1 (10) Establish a voluntary accreditation process for

2 public and private child care and early childhood education

3 providers, which process promotes program quality;

4 (11) Provide and coordinate staff assistance to the Child

5 Care and Early Childhood Education Coordinating Committee;

6 ~~(12)~~ At least biennially, develop an inventory of

7 programs and early childhood education programs provided to

8 children in Nebraska and identify the number of children receiving

9 and not receiving such services, the types of programs under which

10 the services are received, and the reasons children not receiving

11 the services are not being served; and

12 ~~(13)~~ (12) Support the identification and recruitment of

13 persons to provide child care for children with special needs.

14 Sec. 16. Section 71-1917, Revised Statutes Supplement,

15 1999, is amended to read:

16 71-1917. The biennial report required under ~~subdivision~~

17 ~~(14)~~ of section 43-2615 section 7 of this act shall include:

18 (1) The number of license applications received under

19 sections 71-1908 to 71-1917;

20 (2) The number of licenses issued under such sections;

21 (3) The number of license applications denied under such

22 sections;

23 (4) The number of complaints investigated under such

24 sections;

25 (5) The number of licenses revoked under such sections;

26 (6) The number and dollar amount of civil penalties

27 levied pursuant to section 71-1915; and

1 (7) Information which may assist the Legislature in

2 determining the extent of cooperation provided to the department by

3 other state and local agencies pursuant to section 71-1914.".

4 2. On page 28, line 25, after the first comma insert

5 "43-2505, 43-2620," and after "71-1,144.04," insert "71-1917,".

6 3. On page 29, line 1, after "39-2220," insert "43-2506,

7 43-2611 to 43-2614,,"; in line 5 strike "and"; and in line 6 after

- 8 "1998" insert ", and sections 43-2610 and 43-2615, Revised Statutes
9 Supplement, 1999".
10 4. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 1135:
AM2619

(Amendments to E & R amendments, AM7206)

- 1 1. Insert the following new sections:
2 "Sec. 3. Section 13-2307, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 13-2307. Sections 13-2301 to 13-2307 terminate on July
5 1, ~~2000~~ 2001.
6 Sec. 20. Section 81-1113, Reissue Revised Statutes of
7 Nebraska, is amended to read:
8 81-1113. The budget division shall prepare the executive
9 budget in accordance with the wishes and policies of the Governor.
10 The budget division shall have the following duties, powers, and
11 responsibilities:
12 (1) Shall prescribe the forms and procedures to be
13 employed by all departments and agencies of the state in compiling
14 and submitting their individual budget requests and shall set up a
15 budget calendar which shall provide for (a) the date, not later
16 than July 15 of each even-numbered year, for distribution of
17 instructions, (b) the date by which time requests for
18 appropriations by each agency shall be submitted, and (c) the
19 period during which such public hearings as the Governor may elect
20 shall be held for each department and agency. The budget request
21 shall be submitted no later than on or before September 15 of each
22 even-numbered year, shall include the intended receipts and
23 expenditures by programs, subprograms, and activities and such
1 additional information as the administrator may deem appropriate
2 for each fiscal year, shall be made upon a biennial basis, and
3 shall include actual receipts and actual expenditures for each
4 fiscal year of the most recently completed biennium and the first
5 year of the current biennium and estimates for the second year of
6 the current biennium and each year of the next ensuing biennium;
7 (2) Shall work with each governmental department and
8 agency in developing performance standards for each program,
9 subprogram, and activity to measure and evaluate present as well as
10 projected levels of expenditures;
11 (3) Shall, following passage of legislative
12 appropriations, be responsible for the administration of the
13 approved budget through budgetary allotments;
14 (4) Shall be responsible for a monthly budgetary report
15 for each department and agency showing comparisons between actual
16 expenditures and allotments which report shall be subject to review
17 by the director and budget administrator;
18 (5) Shall be responsible for the authorization of
19 employee positions. Such authorizations shall be based on the

20 following:

- 21 (a) A requirement that a sufficient budget program
 22 appropriation and salary limitation exist to fully fund all
 23 authorized positions;
 24 (b) A requirement that permanent full-time positions
 25 which have been vacant for ninety days or more be reviewed and
 26 reauthorized prior to being filled. If requested by the budget
 27 division, the personnel division of the Department of
 1 Administrative Services shall review such vacant position to
 2 determine the proper classification for the position;
 3 (c) A requirement that authorized positions accurately
 4 reflect legislative intent contained in legislative appropriation
 5 and intent bills; and
 6 (d) Other relevant criteria as determined by the budget
 7 administrator; and
 8 (6) Shall, beginning on July 1, ~~2000~~ 2001, administer any
 9 grant approved by the Nebraska Commission on Local Government
 10 Innovation and Restructuring which extends beyond June 30, ~~2000~~
 11 2001.

12 Sec. 29. Laws 1999, LB 880, section 191, is amended to
 13 read:

14 Sec. 191. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
 15 SERVICES

16 Program No. 105 - Local Government Innovation

	FY1999-00	FY2000-01
17 CASH FUND	203,113	-0-
18 PROGRAM TOTAL	203,113	-0-
19 SALARY LIMIT	51,385	-0-

21 The unobligated Cash Fund balance existing on June 30,
 22 2000, shall be ~~lapsed~~ reappropriated for FY2000-01, by the budget
 23 ~~division of the Department of Administrative Services:~~."

24 2. On page 28, line 20, after the first comma insert
 25 "13-2307,"; in line 22 after the first comma insert "81-1113,"; in
 26 line 24 strike the second "and"; and in line 26 after the second
 27 comma insert "and Laws 1999, LB 880, section 191,".

1 3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 957:
 AM2639

- 1 1. Insert the following new sections:
 2 "Sec. 7. Section 81-15,167, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-15,167. Sections 81-15,167 to 81-15,176 and section
 5 11 of this act shall be known and may be cited as the Nebraska
 6 Environmental Trust Act.
 7 Sec. 8. Section 81-15,169, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 81-15,169. For purposes of the Nebraska Environmental
 10 Trust Act:

11 (1) Board ~~shall mean~~ means the Nebraska Environmental
12 Trust Board; and

13 (2) Fund ~~shall mean~~ the Nebraska Environmental Trust
14 Fund; and

15 (3) Trust ~~shall mean~~ means the Nebraska Environmental
16 Trust.

17 Sec. 9. Section 81-15,173, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 81-15,173. The board shall have and may exercise the
20 following powers and duties:

21 (1) Adopt bylaws to govern the proceedings of the board;

22 (2) Keep records, conduct hearings, and adopt and
23 promulgate rules and regulations to carry out its duties and
24 implement the Nebraska Environmental Trust Act;

1 (3) Contract with the Game and Parks Commission for
2 administrative support and with governmental agencies for technical
3 assistance;

4 (4) Establish environmental priorities for use of the
5 trust funds;

6 (5) Establish ad hoc advisory boards and subcommittees;

7 (6) Sponsor or assist environmental proposals pertaining
8 to the environmental priorities of the board, including issuing
9 grants to agencies, organizations, and persons engaged in the
10 purposes of the trust;

11 (7) Cooperate with or assist any unit of the state, any
12 political subdivision, or any private, public, or federal agency,
13 foundation, or person in furtherance of the purposes of the trust;
14 and

15 (8) Acquire and dispose of personal property in
16 furtherance of the purposes of the trust; and

17 (9) Apply for or accept any ~~monetary~~ gift, grant,
18 ~~bequest, royalty, or donation,~~ designate the fund to which it will
19 be credited, and expend the proceeds in furtherance of the purposes
20 of the trust, and use it for the general purposes of the trust.

21 Sec. 10. Section 81-15,174, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 81-15,174. There is hereby established the Nebraska
24 Environmental Trust Fund which shall be a cash fund. The fund
25 shall be used to carry out the purposes of the Nebraska
26 Environmental Trust Act, including administrative costs. Money in
27 the fund shall include proceeds credited pursuant to section 9-812

1 and any monetary gifts, grants, or donations proceeds designated by
2 the board pursuant to section 81-15,173. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 Sec. 11. The Green Futures Trust Fund is created. The
7 fund shall be used to carry out the purposes of the Nebraska
8 Environmental Trust Act. The fund shall include proceeds

9 designated by the board pursuant to section 81-15,173, including
10 grants from the Nebraska Environmental Trust Fund. Grants from the
11 Nebraska Environmental Trust Fund to the Green Futures Trust Fund
12 shall be no more than twice the total of any other proceeds
13 received by the Green Futures Trust Fund for the same year. Such
14 grants, considered in the aggregate, shall in no case exceed fifty
15 percent of the total proceeds credited to the Nebraska
16 Environmental Trust Fund pursuant to section 9-812 for that year.
17 Any money in the fund available for investment shall be
18 invested by the state investment officer pursuant to the Nebraska
19 Capital Expansion Act and the Nebraska State Funds Investment Act.
20 Allocations received by the Green Futures Trust Fund from
21 the Nebraska Environmental Trust Fund shall not be reallocated by
22 the board, but shall remain invested. Any interest income earned
23 by the Green Futures Trust Fund shall be available for allocation
24 by the board as provided in section 81-15,175.
25 Sec. 12. Section 81-15,175, Reissue Revised Statutes of
26 Nebraska, is amended to read:
27 81-15,175. (1) The board may make an annual allocation
1 from the Nebraska Environmental Trust Fund to the Green Futures
2 Trust Fund as provided in section 11 of this act. The board shall
3 make annual allocations from the ~~fund~~ Nebraska Environmental Trust
4 Fund and from the Green Futures Trust Fund for projects which
5 conform to the environmental priorities of the board established
6 pursuant to section 81-15,176 and to the extent the board
7 determines those projects to have merit. The board shall establish
8 an annual calendar for receiving and evaluating proposals and
9 awarding grants. To evaluate the economic, financial, and
10 technical feasibility of proposals, the board may establish
11 subcommittees, request or contract for assistance, or establish
12 advisory groups. Private citizens serving on advisory groups shall
13 be reimbursed for their actual and necessary expenses pursuant to
14 sections 81-1174 to 81-1177.
15 (2) The board shall establish a rating system for ranking
16 proposals which meet the board's environmental priorities and other
17 criteria. The rating system shall include, but not be limited to,
18 the following considerations:
19 (a) Conformance with priorities established pursuant to
20 section 81-15,176;
21 (b) Amount of funds committed from other funding sources;
22 (c) Encouragement of public-private partnerships;
23 (d) Geographic mix of projects over time;
24 (e) Cost-effectiveness and economic impact;
25 (f) Direct environmental impact; and
26 (g) Environmental benefit to the general public and the
27 long-term nature of such public benefit.
1 (3) The results of the annual rating of proposals shall
2 guide the board's allocation of funds, except that the board may
3 assign a higher rating to any proposal with an affirmative vote of

4 eleven members. The motion for such an action shall specify the
5 reasons for such action. The board may commit funds to multiyear
6 projects, subject to available funds and appropriations. No
7 commitment shall exceed three years without formal action by the
8 board to renew the grant or contract. Multiyear commitments may be
9 exempt from the rating process, except for the initial application
10 and requests to renew the commitment.

11 (4) The board shall adopt and promulgate rules and
12 regulations and publish guidelines governing allocations from the
13 fund. The board shall conduct annual reviews of existing projects
14 for compliance with project goals and grant requirements.

15 Sec. 13. Section 81-15,176, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-15,176. (1) Subject to subsection (3) of this
18 section, the board shall establish environmental priorities for the
19 trust. The board, after allowing opportunity for public comment,
20 shall designate as priorities those environmental goals which most
21 affect the natural physical and biological environment in Nebraska,
22 including the air, land, ground water and surface water, flora and
23 fauna, prairies and forests, wildlife and wildlife habitat, and
24 areas of aesthetic or scenic values. In designating environmental
25 priorities, the board shall attempt to focus on the areas which
26 promise the greatest opportunities for effective action to achieve
27 and preserve the future environmental quality in the state. The
1 board shall establish priorities for five-year periods beginning
2 July 1, 1995, except that the board may make annual modifications
3 to refine and clarify its priorities. The board shall provide for
4 public involvement in developing the priorities for such five-year
5 periods, including public meetings in each of the three
6 congressional districts.

7 (2) The board shall establish criteria for determining
8 the eligibility of projects for grant assistance, ~~from the fund,~~
9 which criteria shall include the following:

10 (a) The ~~fund~~ grants shall not provide direct assistance
11 to regulatory programs or to implement actions mandated by
12 regulations except remediation;

13 (b) ~~Before January 1, 1997, no more than twenty-five~~
14 ~~percent of allocations in any year shall assist remediation of~~
15 ~~soils or ground water, and no allocation for this purpose shall~~
16 ~~occur unless all other available sources of funding are, in the~~
17 ~~opinion of the board, being substantially utilized. On and after~~
18 ~~January 1, 1997, no~~ No more than sixty percent of grant allocations
19 in any year shall assist remediation of soils or ground water, and
20 ~~no allocation grants~~ for this purpose shall occur unless all other
21 available sources of funding are, in the opinion of the board,
22 being substantially utilized;

23 (c) The ~~fund~~ grants shall not pay for private benefits or
24 to relieve private liability for environmental damage;

25 (d) The ~~fund~~ grants shall not pay for projects which have

26 direct beneficiaries who could afford the costs of the benefits
 27 without experiencing serious financial hardship;

1 (e) The fund grants should assist those projects which
 2 offer the greatest environmental benefits relative to cost;

3 (f) The fund grants should assist those projects which
 4 provide clear and direct environmental benefits;

5 (g) The fund grants should assist those projects which
 6 will make a real contribution to achieving the board's
 7 environmental priorities;

8 (h) The fund grants should assist those projects which
 9 offer the greatest public benefits; and

10 (i) The fund grants shall not pay for land or easements
 11 acquired without the full and express consent of the landowner.

12 (3) Until the first five-year priorities become effective
 13 on July 1, 1995, the board shall observe the following priorities
 14 for allocating funds grants:

15 (a) Critical habitat areas, including wetlands
 16 acquisition, preservation, and restoration and acquisition and
 17 easements of areas critical to rare or endangered species;

18 (b) Surface water quality, including actions to preserve
 19 lakes and streams from degradation;

20 (c) Ground water quality, including fostering best
 21 management practices as defined in section 46-656.07, actions to
 22 preserve ground water from degradation, and remediation of soils or
 23 ground water; and

24 (d) Development of recycling markets and reduction of
 25 solid waste volume and toxicity.

26 (4) The board may refine and clarify these initial
 27 priorities.

1 Sec. 14. Original sections 81-15,167, 81-15,169,

2 81-15,173, 81-15,174, 81-15,175, and 81-15,176, Reissue Revised
 3 Statutes of Nebraska, are repealed."

4 2. Insert underscoring in original sections 1 to 6.

5 3. Renumber the remaining section accordingly.

Senator Thompson filed the following amendment to LB 652A:
 AM2654

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. There is hereby appropriated \$215,460 from
 4 the General Fund and \$323,190 federal funds for FY2001-02 to the
 5 Department of Health and Human Services Finance and Support, for
 6 Program 348, to aid in carrying out the provisions of Legislative
 7 Bill 652, Ninety-sixth Legislature, Second Session, 2000.

8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.

11 Sec. 2. There is hereby appropriated \$2,882,141 from the
 12 General Fund for FY2001-02 to the Department of Health and Human

13 Services, for Program 250, to aid in carrying out the provisions of
 14 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
 15 2000.

16 Total expenditures for permanent and temporary salaries
 17 and per diems from funds appropriated in this section shall not
 18 exceed \$189,071 for FY2001-02.

19 Sec. 3. There is hereby appropriated \$50,000 from the
 20 General Fund for FY2001-02 to the Department of Correctional
 21 Services, for Program 370, to aid in carrying out the provisions of
 22 Legislative Bill 652, Ninety-sixth Legislature, Second Session,
 23 2000.

24 Total expenditures for permanent and temporary salaries
 1 and per diems from funds appropriated in this section shall not
 2 exceed \$64,344 for FY2001-02."

RESOLUTION

LEGISLATIVE RESOLUTION 311. Introduced by Stuhr, 24; Wehrbein,
 2.

WHEREAS, The next generation will be the stewards of our communities, state, nation, and world; and

WHEREAS, The present and future well-being of our society requires an involved, caring citizenry with good character; and

WHEREAS, Children need strong and constructive guidance from their families and their communities, including, but not limited to, schools, youth organizations, religious institutions, and civic groups; and

WHEREAS, The character of a nation is only as strong as the character of its individual citizens, and the public good is advanced when young people are taught that good character counts in personal relationships, in school, and in the workplace; and

WHEREAS, Conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character and act upon core ethical values, such as fairness, trustworthiness, caring, responsibility, respect, and citizenship; and

WHEREAS, The University of Nebraska-Lincoln and University of Nebraska Cooperative Extension 4-H are making great strides in implementing Character Counts! throughout the State of Nebraska.

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

1. That the Legislature supports the implementation and expansion of Character Counts! and the ethical value it represents throughout the State of Nebraska.

2. That a copy of this resolution be sent to Character Counts!

Laid over.

VISITORS

Visitors to the Chamber were Rick and Paula Scott from Scottsbluff; Mary Ellen Goodenberger from Trenton; Mabel Stansbury and Judy Haney from Lincoln, Linda Ridgway from Omaha, and Bonnie Pache from Arvada, Colorado; 16 seniors and teacher from Wilcox; 16 eighth grade students and teacher from Holy Ghost School in Omaha; and Cindy Bittinger from Clarks.

RECESS

At 11:52 a.m., on a motion by Senator Quandahl, 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 Senators Bruning, Matzke, and Schrock who were excused; and Senators Bohlke, Bromm, Chambers, Dickey, Dierks, Jensen, Kiel, Landis, Price, Raikes, Robak, and Tyson who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1401. Placed on Select File as amended.
(E & R amendment, AM7220, 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 1317. Placed on Select File as amended.
E & R amendment to LB 1317:
AM7212

1 1. On page 1, strike beginning with "motor" in line 1
2 through line 8 and insert "public records; to amend sections
3 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-2901,
4 60-2904, 60-2905, 60-2907, and 60-2910, Reissue Revised Statutes of
5 Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised
6 Statutes Supplement, 1999; to change and eliminate provisions
7 relating to disclosure of records regarding motorboats, motor
8 vehicles, and motor vehicle operators; to harmonize provisions; to
9 provide an operative date; to repeal the original sections; to
10 outright repeal section 60-2913, Reissue Revised Statutes of
11 Nebraska; and to declare an emergency."

LEGISLATIVE BILL 1285. Placed on Select File as amended.

E & R amendment to LB 1285:

AM7215

1 1. On page 1, strike beginning with "75-156" in line 2
 2 through line 5 and insert "75-134, 75-139.01, 75-156, 86-803,
 3 86-1111, 86-1222, and 86-1405, Reissue Revised Statutes of
 4 Nebraska; to change provisions relating to commission orders; to
 5 change and authorize certain administrative fines; to eliminate
 6 certain penalties; to harmonize provisions; to repeal the original
 7 sections; to outright repeal section 75-145, Reissue Revised
 8 Statutes of Nebraska; and to declare an emergency".

LEGISLATIVE BILL 953. Placed on Select File as amended.

E & R amendment to LB 953:

AM7219

1 1. On page 1, line 3, strike "81-1201.01" and insert
 2 "81-1201.21"; in line 7 strike "and"; and in line 8 after
 3 "sections" insert "; and to declare an emergency".
 4 2. On page 27, line 22, strike "81-1201.01" and insert
 5 "81-1201.21".

LEGISLATIVE BILL 921. Placed on Select File as amended.

(E & R amendment, AM7218, 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 709. Placed on Select File as amended.

(E & R amendment, AM7217, 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 1023. Placed on Select File as amended.

E & R amendment to LB 1023:

AM7216

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 71-112, Revised Statutes Supplement,
 4 1999, is amended to read:
 5 71-112. The professional boards provided in section
 6 71-111 shall be designated as follows:
 7 (1) For medicine and surgery and osteopathic medicine and
 8 surgery, Board of Medicine and Surgery;
 9 (2) For athletic training, Board of Athletic Training;
 10 (3) For respiratory care, Board of Respiratory Care
 11 Practice;
 12 (4) For chiropractic, Board of Chiropractic;
 13 (5) For dentistry and dental hygiene, Board of Dentistry;
 14 (6) For optometry, Board of Optometry;
 15 (7) For massage therapy, Board of Massage Therapy;
 16 (8) For physical therapy, Board of Physical Therapy;

- 17 (9) For pharmacy, Board of Pharmacy;
 18 (10) For audiology and speech-language pathology, Board
 19 of Audiology and Speech-Language Pathology;
 20 (11) For medical nutrition therapy, Board of Medical
 21 Nutrition Therapy;
 22 (12) For funeral directing and embalming, Board of
 23 Funeral Directing and Embalming;
 24 (13) For podiatry, Board of Podiatry;
 1 (14) For psychology, Board of Psychologists;
 2 (15) For veterinary medicine and surgery, Board of
 3 Veterinary Medicine and Surgery; and
 4 (16) For mental health practice, Board of Mental Health
 5 Practice.

6 Any change made by the Legislature of the names of boards
 7 listed in this section shall not change the membership of such
 8 boards or affect the validity of any action taken by or the status
 9 of any action pending before any of such boards. Any such board
 10 newly named by the Legislature shall be the direct and only
 11 successor to the board as previously named.

12 Sec. 2. Section 71-1,152.01, Revised Statutes
 13 Supplement, 1999, is amended to read:

14 71-1,152.01. The purpose of the Board of Veterinary
 15 Medicine and Surgery is to: (1) Provide for the health, safety, and
 16 welfare of the citizens; (2) insure that veterinarians serving the
 17 public meet minimum standards of proficiency and competency; (3)
 18 insure that schools of veterinary medicine and surgery meet the
 19 educational needs of the students and qualify students to serve the
 20 public in a safe and efficient manner; and (4) control the field of
 21 veterinary medicine and surgery in the interest of consumer
 22 protection.

23 Sec. 3. Section 71-1,153, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 71-1,153. Sections 71-1,152.01 to ~~71-1,185~~ 71-1,163 and
 26 sections 5 and 6 of this act shall be known and may be cited as the
 27 Nebraska Veterinary Practice Act.

1 Sec. 4. Section 71-1,154, Revised Statutes Supplement,
 2 1999, is amended to read:

3 71-1,154. When used in the Nebraska Veterinary Practice
 4 Act and elsewhere in the Uniform Licensing Law, unless the context
 5 otherwise requires:

6 (1) Animal ~~shall mean means~~ includes any animal other than man and
 7 ~~shall include~~ includes birds, fish, and reptiles, wild or domestic,
 8 living or dead, except domestic poultry;

9 (2) Veterinary medicine and surgery ~~shall include~~
 10 includes veterinary surgery, obstetrics, dentistry, and all other
 11 branches or specialties of veterinary medicine;

12 (3) Practice of veterinary medicine and surgery ~~shall~~
 13 mean means:

14 (a) To diagnose, treat, correct, change, relieve, or

15 prevent animal disease, deformity, defect, injury, or other
16 physical or mental conditions, including the prescription or
17 administration of any drug, medicine, biologic, apparatus,
18 application, anesthetic, or other therapeutic or diagnostic
19 substance or technique, and the use of any manual or mechanical
20 procedure for testing for pregnancy; or for correcting sterility;
21 or infertility, or to render advice or recommendation with regard
22 to any of the above;

23 (b) To represent, directly or indirectly, publicly or
24 privately, an ability and willingness to do any act described in
25 subdivision (a) of this subdivision; and

26 (c) To use any title, words, abbreviation, or letters in
27 a manner or under circumstances which induce the belief that the
1 person using them is qualified to do any act described in
2 subdivision (a) of this subdivision;

3 (4) Veterinarian ~~shall mean means~~ a person who has
4 received a doctor's degree in veterinary medicine from an
5 accredited school of veterinary medicine or its equivalent;

6 (5) Licensed veterinarian ~~shall mean means~~ a person who
7 is validly and currently licensed to practice veterinary medicine
8 and surgery in this state;

9 (6) Accredited school of veterinary medicine within the
10 meaning of the Nebraska Veterinary Practice Act ~~shall mean means~~:

11 (a) One approved by the department upon the
12 recommendation of the board;

13 (b) A veterinary college or division of a university or
14 college that offers the degree of Doctor of Veterinary Medicine or
15 its equivalent; and

16 (c) One that conforms to the standards required for
17 accreditation by the American Veterinary Medical Association;

18 (7) Person ~~shall mean means~~ any individual, firm,
19 partnership, limited liability company, association, joint venture,
20 cooperative and corporation, or any other group or combination
21 acting in concert; and whether or not acting as a principal,
22 trustee, fiduciary, receiver, or as any other kind of legal or
23 personal representative, or as the successor in interest, assignee,
24 agent, factor, servant, employee, director, officer, or any other
25 representative of such person;

26 (8) Board ~~shall mean means~~ the Board of Veterinary
27 Medicine and Surgery; ~~and~~

1 (9) Department ~~shall mean means~~ the Department of Health
2 and Human Services Regulation and Licensure;

3 (10) Veterinary technician means an individual who has
4 met one of the requirements of subsection (1) of section 5 of this
5 act;

6 (11) Licensed veterinary technician means a veterinary
7 technician who is validly and currently licensed as a veterinary
8 technician in this state. Only a licensed veterinary technician
9 may advertise or offer his or her services in a manner calculated

10 to lead others to believe that he or she is a veterinary
11 technician;

12 (12) Unlicensed assistant means an individual who is not
13 a veterinarian or a veterinary technician who is working in
14 veterinary medicine;

15 (13) Supervisor means a licensed veterinarian or licensed
16 veterinary technician as required by statute or rule or regulation
17 for the particular delegated task being performed by a veterinary
18 technician or unlicensed assistant;

19 (14) Immediate supervision means that the supervisor is
20 on the premises and is in direct eyesight and hearing range of the
21 animal and the veterinary technician or unlicensed assistant who is
22 treating the animal and the animal has been examined by a
23 veterinarian at such times as acceptable veterinary practice
24 requires consistent with the particular delegated animal health
25 care task;

26 (15) Direct supervision means that the supervisor is on
27 the premises and is available to the veterinary technician or
1 unlicensed assistant who is treating the animal and the animal has
2 been examined by a veterinarian at such times as acceptable
3 veterinary practice requires consistent with the particular
4 delegated animal health care task; and

5 (16) Indirect supervision means that the supervisor is
6 not on the premises but is easily accessible and has given written
7 or oral instructions for treatment of the animal and the animal has
8 been examined by a veterinarian at such times as acceptable
9 veterinary practice requires consistent with the particular
10 delegated animal health care task.

11 Sec. 5. (1) To be a veterinary technician in this state,
12 an individual shall meet one of the following requirements:

13 (a) Be a graduate of an American Veterinary Medical
14 Association approved veterinary technician program and receive a
15 passing score on the national exam for such program as determined
16 by the board;

17 (b) On the effective date of this act, be an approved
18 animal technician certified under sections 71-1,168 to 71-1,185 as
19 such sections existed prior to such date; or

20 (c) Have at least five years or more full-time experience
21 working with a veterinarian, be employed by a veterinarian on the
22 effective date of this act, and within three years after such date
23 receive a passing score on the national exam described in
24 subdivision (1)(a) of this section as determined by the board.

25 (2) To keep the license active, a licensed veterinary
26 technician shall earn credit for twenty-four hours of continuing
27 education every three years as approved by the board.

1 Sec. 6. The department shall adopt and promulgate rules
2 and regulations providing for (1) licensure of veterinary
3 technicians meeting the requirements of section 5 of this act and
4 (2) standards for the level of supervision required for particular

5 delegated animal health care tasks and which determine which tasks
6 may be performed by a veterinary technician and by unlicensed
7 assistants. The level of supervision may be immediate, direct, or
8 indirect as determined by the department based upon the complexity
9 and requirements of the task.

10 Sec. 7. Section 71-1,158, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 71-1,158. Any person desiring a license to practice
13 veterinary medicine and surgery in this state shall make written
14 application to the board. The application shall include:

15 (1) Proof show that the applicant is twenty-one years of
16 age or more;

17 (2) Information indicating that the applicant is a
18 graduate of an accredited veterinary school, and a person of good
19 moral character;

20 (3) Proof that the applicant is a graduate of an
21 accredited school of veterinary medicine or holds a certificate
22 issued by the American Veterinary Medical Association Education
23 Commission for Foreign Veterinary Graduates indicating that the
24 holder has demonstrated knowledge and skill equivalent to that
25 possessed by a graduate of an accredited college of veterinary
26 medicine; and

27 (4) Such and such other information and proof as the
1 board may require by rule and regulation. The application shall be
2 accompanied by a fee of not less than seventy-five dollars nor more
3 than two hundred dollars, the amount of such fee to be determined
4 by a rule or regulation adopted and promulgated by the department
5 with the approval of the board.

6 If the board determines that the applicant possesses the
7 proper qualifications, the board shall admit the applicant to the
8 next examination, or if the applicant is eligible for a license
9 without examination under section 71-1,160, the board may forthwith
10 recommend that he or she be issued a license. If an applicant is
11 found not qualified to take the examination or for a license
12 without examination, the board shall immediately notify the
13 applicant in writing of such finding and the grounds therefor.

14 Sec. 8. Section 71-1,160, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-1,160. The board may direct the issuing of a license
17 without a written examination to a qualified applicant who
18 furnishes satisfactory proof required under subdivision (3) of
19 section 71-1,158 that he or she is a graduate of an accredited
20 veterinary school and who:

21 (1) Has for one year prior to filing his or her
22 application been a practicing veterinarian licensed in a state,
23 territory, or district of the United States having license
24 requirements, at the time the applicant was first licensed, which
25 were substantially equivalent to the requirements of the Nebraska
26 Veterinary Practice Act; or

- 27 (2) Has prior to filing his or her application
 1 successfully completed and passed the examination conducted by the
 2 National Board of Veterinary Examiners.
 3 At its discretion, the board may orally or practically
 4 examine any person qualifying for licensing under this section.
 5 Sec. 9. Section 71-1,161, Reissue Revised Statutes of
 6 Nebraska, is amended to read:
 7 71-1,161. The board may recommend to the department the
 8 issuance of a temporary license to practice veterinary medicine and
 9 surgery upon receipt of a fee of fifty dollars and the completed
 10 application to (1) any person who has a current license to practice
 11 veterinary medicine and surgery in another state, territory, or
 12 district of the United States or (2) any person who has graduated
 13 from an approved veterinary school furnishes satisfactory proof
 14 required under subdivision (3) of section 71-1,158 and has passed
 15 an examination conducted by the National Board of Veterinary
 16 Examiners. Such temporary license shall be valid until the date on
 17 which the results of the next licensure examination are available
 18 to the department and it may not be renewed. The holder of a
 19 temporary license shall be entitled to practice veterinary medicine
 20 and surgery.
 21 Sec. 10. Original sections 71-1,153, 71-1,158, 71-1,160,
 22 and 71-1,161, Reissue Revised Statutes of Nebraska, and sections
 23 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement,
 24 1999, are repealed.
 25 Sec. 11. The following sections are outright repealed:
 26 Sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178,
 27 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised
 1 Statutes of Nebraska, and section 71-1,171, Revised Statutes
 2 Supplement, 1999."
 3 2. On page 1, strike beginning with "veterinarians" in
 4 line 1 through line 5 and insert "veterinary practice; to amend
 5 sections 71-1,153, 71-1,158, 71-1,160, and 71-1,161, Reissue
 6 Revised Statutes of Nebraska, and sections 71-112, 71-1,152.01, and
 7 71-1,154, Revised Statutes Supplement, 1999; to rename a board; to
 8 provide for licensure of veterinary technicians; to change
 9 veterinarian licensure provisions; to eliminate animal technician
 10 provisions; to harmonize provisions; to repeal the original
 11 sections; and to outright repeal sections 71-1,168 to 71-1,170,
 12 71-1,172 to 71-1,176, 71-1,178, 71-1,180, 71-1,181, and 71-1,183 to
 13 71-1,185, Reissue Revised Statutes of Nebraska, and section
 14 71-1,171, Revised Statutes Supplement, 1999."

LEGISLATIVE BILL 1085. Placed on Select File as amended.

E & R amendment to LB 1085:

AM7221

- 1 1. Strike original section 1 and all amendments thereto
 2 and insert the following new section:
 3 "Section 1. Section 29-3931, Revised Statutes

4 Supplement, 1998, is amended to read:
 5 29-3931. The In cases in which the capital litigation
 6 division, appellate division, or major case resource center has
 7 been appointed, the chief counsel shall make a showing to the
 8 county or district court for the county in which the prosecution
 9 arose regarding the commission's cost of defense. The chief
 10 counsel shall consider the complexity of the case, the amount of
 11 expenses involved, and the ability of the county to pay the costs,
 12 in determining how often to make a showing to the court. A showing
 13 shall be made no more than once a month and shall be made once
 14 after the case is completed. The cost shall be based upon (1) the
 15 actual time spent by commission staff attorneys and their hourly
 16 rates of pay, including benefits, (2) a reasonable amount for
 17 administrative and support staff time, (3) the actual expenditures
 18 for litigation support, such as expert witnesses, depositions,
 19 photocopying, printing, and travel and lodging expenses, and (4) a
 20 reasonable amount for office overhead, including rent, telephone,
 21 and utilities. The cost of defense shall not include any expense
 22 incurred by the commission's staff for travel time or mileage
 23 between the commission's office and the place where the particular
 24 case's venue is had or for lodging and meals when the staff must be
 1 away from the office for more than one day. After a hearing, the
 2 county or district court shall order the county to pay one-third of
 3 the commission's cost of defense. The county shall pay the costs
 4 to the commission which shall remit the amount to the State
 5 Treasurer for credit to the County Revenue Assistance Fund. In
 6 cases in which commission staff is using money to represent
 7 indigent clients and that money is associated with any federal
 8 grant money or state match money, the chief counsel shall only bill
 9 counties for actual expenditures for litigation support, such as
 10 expert witnesses, depositions, photocopying, printing, and travel
 11 and lodging expenses."
 12 2. On page 1, line 4, strike "operations" and insert
 13 "the cost of defense".

LEGISLATIVE BILL 1197. 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 1379A. 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 1379, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

AMENDMENT - Print in Journal

Senator D. Pederson filed the following amendment to LB 1448:
AM2659

- 1 1. On page 3, after line 13, insert
- 2 "Claim No. 00-337, against the Attorney General's
- 3 Office, pay to Jeff Meyer, 301 N. Jeffers, Suite
- 4 101A, North Platte, NE 69101, out of the
- 5 General Fund 500.00
- 6 in line 18 strike "270,136.77" and insert "270,636.77"; and in line
- 7 20 strike "293,336.77" and insert "293,836.77".

SELECT FILE

LEGISLATIVE BILL 652. Advanced to E & R for engrossment.

LEGISLATIVE BILL 652A. E & R amendment, AM7194, found on page 693, was adopted.

Senator Thompson withdrew her amendments, AM2537 and AM2556, found on pages 798 and 853.

Senator Thompson renewed her pending amendment, AM2654, found in this day's Journal.

The Thompson amendment was adopted with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922. E & R amendment, AM7195, found on page 693, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1125. E & R amendment, AM7198, found on page 703, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 950. E & R amendment, AM7200, found on page 703, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 950A. Senator Byars renewed his pending amendment, AM2438, found on page 713.

The Byars amendment was adopted with 33 ayes, 0 nays, 3 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1190. E & R amendment, AM7203, found on page 764, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 717. E & R amendment, AM7204, found on page 781, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 717A. Senator Preister renewed his pending amendment, AM2543, found on page 809.

The Preister amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994. E & R amendment, AM7208, printed separately and referred to on page 811, was adopted.

Advanced to E & R for engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 305, 306, 307, and 308 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 305, 306, 307, and 308.

SENATOR CUDABACK PRESIDING

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE BILL 557. E & R amendment, AM7207, found on page 812, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 291CA. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 414. The Beutler pending amendment, AM2565, found on page 813 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

The Beutler amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senators Brashear, Kiel, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

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

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Chambers	Connealy
Crosby	Dickey	Hartnett	Hilgert	Hudkins
Jensen	Kristensen	Landis	Pedersen, Dw.	Price
Quandahl	Raikes	Robak	Schimek	Smith
Suttle	Thompson	Wehrbein		

Voting in the negative, 12:

Byars	Coordsen	Dierks	Engel	Jones
Kremer	Pederson, D.	Preister	Redfield	Stuhr
Tyson	Vrtiska			

Present and not voting, 4:

Cudaback	Janssen	Schmitt	Wickersham
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Excused and not voting, 5:

Bruning	Kiel	Lynch	Matzke	Schrock
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Advanced to E & R for review with 28 ayes, 12 nays, 4 present and not

voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Senator Hilgert filed the following amendment to LB 925:
AM2593

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 68-1713, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 68-1713. (1) The Department of Health and Human Services
- 5 shall submit a waiver request or requests to the United States
- 6 Department of Health and Human Services and the United States
- 7 Department of Agriculture as necessary for federal authorization to
- 8 implement the provisions of the Welfare Reform Act. The Department
- 9 of Health and Human Services may include the provisions of sections
- 10 68-1718 to 68-1726 in its waiver requests and shall designate
- 11 counties for implementation on or after July 1, 1995, of such
- 12 sections for recipient families in the aid to dependent children
- 13 program. It is the intent of the Legislature that such designated
- 14 counties include at least one county with a population of not more
- 15 than thirty-five thousand inhabitants and one county with a
- 16 population of at least one hundred fifty thousand inhabitants but
- 17 not more than three hundred thousand inhabitants.
- 18 The Department of Health and Human Services shall
- 19 implement the following policies:
- 20 (a) Permit Work Experience in Private for Profit
- 21 Enterprises;
- 22 (b) Permit Job Search to Extend Beyond Eight Weeks Each
- 23 Year;
- 24 (c) Permit Employment to be Considered a JOBS Program
- 1 Component;
- 2 (d) Make Sanctions More Stringent to Emphasize
- 3 Participant Obligations;
- 4 (e) Alternative Hearing Process;
- 5 (f) Permit Adults in Two-Parent Households to Participate
- 6 in JOBS Activities Based on Their Self-Sufficiency Needs;
- 7 (g) Eliminate Exemptions for Individuals with Children
- 8 Between the Ages of ~~12 Weeks~~ Twelve Months and Age Six;
- 9 (h) Providing Poor Working Families with Transitional
- 10 Child Care to Ease the Transition from Welfare to Self-Sufficiency;
- 11 (i) Provide Transitional Health Care for 24 Months After
- 12 Termination of ADC;
- 13 (j) Cap Family Benefits Based on the Number of Children
- 14 in the Unit at the Time of Initial Eligibility;

- 15 (k) Require Adults to Ensure that Children in the Family
 16 Unit Attend School;
- 17 (l) Encourage Minor Parents to Live with Their Parents;
- 18 (m) Establish a Resource Limit of \$4,000 for a single
 19 individual and \$6,000 for two or more individuals for ADC;
- 20 (n) Exclude the Value of One Vehicle Per Family When
 21 Determining ADC Eligibility;
- 22 (o) Exclude the Cash Value of Life Insurance Policies in
 23 Calculating Resources for ADC;
- 24 (p) Permit the Self-Sufficiency Contract Assessment to
 25 Substitute for the Six-Month ADC Redetermination Process;
- 26 (q) Establish Food Stamps as a Continuous Benefit with
 27 Eligibility Reevaluated with Yearly Redeterminations;
- 1 (r) Establish a Budget the Gap Methodology Whereby
 2 Countable Earned Income is Subtracted from the Standard of the Need
 3 and Payment is Based on the Difference or Maximum Payment Level,
 4 Whichever is Less. That this Gap be Established at a Level that
 5 Encourages Work but at Least at a Level that Ensures that Those
 6 Currently Eligible for ADC do not Lose Eligibility Because of the
 7 Adoption of this Methodology;
- 8 (s) Adopt the Food Stamp Program's Earned Income
 9 Disregard of Twenty Percent of Gross Earnings in the ADC and
 10 Related Medical Assistance Program;
- 11 (t) Disregard Financial Assistance Received Intended for
 12 Books, Tuition, or Other Self-Sufficiency Related Use;
- 13 (u) Culture: Eliminate the 100-Hour Rule, The Quarter of
 14 Work Requirement, and The 30-Day Unemployed/Underemployed Period
 15 for ADC-UP Eligibility;
- 16 (v) Make ADC a Time-Limited Program;
- 17 (w) Eliminate Self-Initiated Training as a JOBS Option;
- 18 and
- 19 (x) Other Waivers: Statewide Operation of the
 20 Demonstration Project.
- 21 At the end of the first year of implementation, the
 22 department shall identify any adjustments or adaptations that may
 23 be needed before the policies of the Welfare Reform Act are
 24 implemented in other areas of the state. Such review shall include
 25 an evaluation of the impact of such policies. The department shall
 26 implement the policies in additional counties as necessary to
 27 complete statewide implementation.
- 1 (2) The Department of Health and Human Services shall (a)
 2 apply for a waiver to allow for a sliding-fee schedule for the
 3 population served by the caretaker relative program or (b) pursue
 4 other public or private mechanisms, to provide for transitional
 5 health care benefits to individuals and families who do not qualify
 6 for cash assistance. It is the intent of the Legislature that
 7 transitional health care coverage be made available on a
 8 sliding-scale basis to individuals and families with incomes up to
 9 one hundred eighty-five percent of the federal poverty level if

10 other health care coverage is not available.

11 Sec. 2. Section 68-1723, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 68-1723. (1) Cash assistance shall be provided only
14 while recipients are actively engaged in the specific activities
15 outlined in the self-sufficiency contract developed under section
16 68-1719. If the recipients are not actively engaged in these
17 activities, no cash assistance shall be paid.

18 (2) Recipient families with at least one adult with the
19 capacity to work, as determined by the comprehensive assets
20 assessment, shall participate in the self-sufficiency contract as a
21 condition of receiving cash assistance. If any such adult fails to
22 cooperate in carrying out the terms of the contract, the family
23 shall be ineligible for cash assistance.

24 (a) Adult members of recipient families whose youngest
25 child is between the ages of twelve weeks and ~~six~~ twelve months
26 shall engage in an individually determined number of part-time
27 hours in activities such as family nurturing, preemployment skills,
1 or education.

2 (b) Participation in activities outlined in the
3 self-sufficiency contract shall not be required for one parent of a
4 recipient family whose youngest child is under the age of twelve
5 ~~weeks~~ months.

6 (c) The two-year time limit on cash assistance under
7 section 68-1724 shall be extended: (i) To cover the ~~twelve-week~~
8 ~~postpartum recovery~~ twelve-month postpartum period for children
9 born to recipient families; and (ii) to recognize special medical
10 conditions of such children requiring the presence of at least one
11 adult member of the recipient family, as determined by the state,
12 which extend past the age of twelve ~~weeks~~ months.

13 (d) Full participation in the activities outlined in the
14 self-sufficiency contract shall be required for adult members of a
15 recipient family whose youngest child is over the age of ~~six~~ twelve
16 months.

17 (e) Full participation in the activities outlined in the
18 self-sufficiency contract and the two-year time limit on cash
19 assistance under section 68-1724 shall begin for a minor parent
20 when: (i) The minor parent graduates from high school; (ii) the
21 minor parent receives his or her General Education Development
22 diploma; or (iii) the minor parent reaches nineteen years of age.

23 (f) In cases in which the only adults in the recipient
24 family do not have parental responsibility which shall mean such
25 adults are not the biological or adoptive parents or stepparents of
26 the children in their care, and assistance is requested for all
27 family members, including the adults, the family shall participate
1 in the activities outlined in the self-sufficiency contract as a
2 condition of receiving cash assistance.

3 (g) Unemployed or underemployed absent and able-to-work
4 parents of children in the recipient family may participate in

5 self-sufficiency contracts, employment, and payment of child
6 support, and such absent parents may be required to pay all or a
7 part of the costs of the self-sufficiency contracts.

8 (3) Individual recipients and recipient families shall
9 have the right to request an administrative hearing (a) for the
10 purpose of reviewing compliance by the state with the terms of the
11 self-sufficiency contract or (b) for the purpose of reviewing a
12 determination by the department that the recipient or recipient
13 family has not complied with the terms of the self-sufficiency
14 contract. It is the intent of the Legislature that an independent
15 mediation appeal process be developed as an option to be
16 considered.

17 Sec. 3. Section 68-1724, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 68-1724. (1) Cash assistance shall be provided for a
20 period or periods of time not to exceed a total of two years for
21 recipient families with children subject to the following:

22 (a) If the state fails to meet the specific terms of the
23 self-sufficiency contract developed under section 68-1719, the
24 two-year time limit established in this section shall be extended
25 for an additional period of not more than two years;

26 (b) The two-year time period for cash assistance shall
27 begin when the self-sufficiency contract is signed or when any
1 children born into the recipient family prior to the initial ten
2 months of assistance reach the age of ~~six~~ twelve months, whichever
3 is later;

4 (c) When no longer eligible to receive cash assistance,
5 assistance shall be available to reimburse work-related child care
6 expenses even if the recipient family has not achieved economic
7 self-sufficiency. The amount of such assistance shall be based on
8 a cost-shared plan between the recipient family and the state which
9 shall provide assistance up to one hundred eighty-five percent of
10 the federal poverty level for up to twenty-four months. A

11 recipient family may be required to contribute up to twenty percent
12 of such family's gross income for child care. It is the intent of
13 the Legislature that transitional health care coverage be made
14 available on a sliding-scale basis to individuals and families with
15 incomes up to one hundred eighty-five percent of the federal
16 poverty level if other health care coverage is not available;

17 (d) After receiving cash assistance under this section
18 for two years at a monthly payment level not exceeding that
19 provided in section 43-512, families shall receive no further cash
20 assistance pursuant to this section for at least two years after
21 the assistance period ends; and

22 (e) The self-sufficiency contract shall be revised and
23 the two-year time period for cash assistance extended when there is
24 no job available for adult members of the recipient family. It is
25 the intent of the Legislature that available job shall mean a job
26 which results in an income of at least equal to the amount of cash

27 assistance that would have been available if receiving assistance
1 minus unearned income available to the recipient family.
2 The department shall develop policy guidelines to allow
3 for cash assistance to persons who have received the maximum cash
4 assistance provided by this section and who face extreme hardship
5 without additional assistance. For purposes of this section,
6 extreme hardship means a recipient family does not have adequate
7 cash resources to meet the costs of the basic needs of food,
8 clothing, and housing without continuing assistance or the child or
9 children are at risk of losing care by and residence with their
10 parent or parents.

11 (2) Cash assistance conditions under the Welfare Reform
12 Act shall be as follows:

13 (a) Adults in recipient families shall mean individuals
14 at least nineteen years of age living with and related to a child
15 eighteen years of age or younger and shall include parents,
16 siblings, uncles, aunts, cousins, or grandparents, whether the
17 relationship is biological, adoptive, or step;

18 (b) The payment standard shall be based upon family size.
19 Any child born into the recipient family after the initial ten
20 months of participation in the program shall not increase the cash
21 assistance payment, except that child support or other income
22 received on behalf of such child or children shall not be
23 considered as countable income to the recipient family in
24 determining the amount of their cash assistance payment;

25 (c) The adults in the recipient family shall ensure that
26 the minor children regularly attend school. Education is a
27 valuable personal resource. The cash assistance provided to the
1 recipient family may be reduced when the parent or parents have
2 failed to take reasonable action to encourage the minor children of
3 the recipient family ages sixteen and under to regularly attend
4 school. No reduction of assistance shall be such as may result in
5 extreme hardship. It is the intent of the Legislature that a
6 process be developed to insure communication between the case
7 manager, the parent or parents, and the school to address issues
8 relating to school attendance;

9 (d) Two-parent families which would otherwise be eligible
10 under section 43-504 or a federally approved waiver shall receive
11 cash assistance under this section;

12 (e) For minor parents, the assistance payment shall be
13 based on the minor parent's income. If the minor parent lives with
14 at least one parent, the family's income shall be considered in
15 determining eligibility and cash assistance payment levels for the
16 minor parent. If the minor parent lives independently, support
17 shall be pursued from the parents of the minor parent. If the
18 absent parent of the minor's child is a minor, support from his or
19 her parents shall be pursued. Support from parents as allowed
20 under this subdivision shall not be pursued when the family income
21 is less than three hundred percent of the federal poverty

22 guidelines; and

23 (f) For adults who are not biological or adoptive parents

24 or stepparents of the child or children in the family, if

25 assistance is requested for the entire family, including the

26 adults, a self-sufficiency contract shall be entered into as

27 provided in section 68-1719. If assistance is requested for only

1 the child or children in such a family, such children shall be

2 eligible after consideration of the family's income and if (i) the

3 family cooperates in pursuing child support and (ii) the minor

4 children of the family regularly attend school.

5 Sec. 12. Original sections 68-1723 and 68-1724, Reissue

6 Revised Statutes of Nebraska, and section 68-1713, Revised Statutes

7 Supplement, 1998, are repealed."

8 2. On page 3, line 5; page 6, line 10; page 7, line 16;

9 and page 8, line 15, strike "3" and insert "6".

10 3. On page 8, line 16, strike "This act becomes" and

11 insert "Sections 1 to 3, 10, and 12 of this act become operative on

12 their effective date. The other sections of this act become"; and

13 in line 18 strike "a" and insert "as".

14 4. Renumber the remaining sections accordingly.

Senator Coordsen filed the following amendment to LB 968:

AM2479

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new sections:

2 "Sec. 42. Section 77-1511, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 77-1511. The Tax Equalization and Review Commission

5 shall hear appeals and cross appeals taken under section 77-1510 as

6 in equity and without a jury and determine anew all questions

7 raised before the county board of equalization which relate to the

8 liability of the property to assessment, or the amount thereof.

9 The commission shall affirm the action taken by the board unless

10 ~~evidenece is adduced establishing that the action of the board was~~

11 ~~unreasonable or arbitrary or unless evidence is adduced~~

12 ~~establishing that the property of the appellant is assessed too low~~

13 ~~the appellant establishes by a preponderance of the evidence that~~

14 ~~the assessed value exceeds actual value or the property was not~~

15 ~~equalized with other similar property in the county. In any other~~

16 ~~appeal heard by the commission, the commission shall affirm the~~

17 ~~decision of the appellee unless the appellant establishes by a~~

18 ~~preponderance of the evidence that the decision complained of is in~~

19 ~~violation of the constitution, law, or applicable rules and~~

20 ~~regulations. Any decision rendered by the commission shall be~~

21 certified to the county treasurer and to the officer charged with

22 the duty of preparing the tax list, and if and when such decision

23 becomes final, such officers shall correct their records

1 accordingly.

2 Sec. 57. Section 77-5016, Revised Statutes Supplement,

3 1999, is amended to read:

4 77-5016. All cases appealed to the commission shall be
5 granted an informal hearing unless a formal hearing is granted as
6 determined by the commission according to its rules and
7 regulations. In cases appealed to the commission:

8 (1) The commission may admit and give probative effect to
9 evidence which possesses probative value commonly accepted by
10 reasonably prudent persons in the conduct of their affairs. It
11 shall give effect to the rules of privilege recognized by law. It
12 may exclude incompetent, irrelevant, immaterial, and unduly
13 repetitious evidence. Any party to a formal hearing before the
14 commission, from which a decision may be appealed to the courts of
15 this state, may request that the commission be bound by the rules
16 of evidence applicable in district court by delivering to the
17 commission at least three days prior to the holding of the hearing
18 a written request. Any party to an appeal filed under section
19 77-5007 may request a formal hearing by delivering a written
20 request to the commission not more than thirty days after the
21 appeal is filed. The request shall include the requesting party's
22 agreement to be liable for the payment of costs incurred and upon
23 any appeal or review, including the cost of court reporting
24 services which the requesting party shall procure for the hearing.
25 The commission shall be bound by the rules of evidence applicable
26 in district court in any formal hearing held by the commission.

27 All costs of a formal hearing shall be paid by the party or parties
1 against whom a final decision is rendered;

2 (2) The commission may administer oaths, issue subpoenas,
3 compel the attendance of witnesses and the production of any
4 papers, books, accounts, documents, statistical analysis, and
5 testimony, and cause the depositions of witnesses residing either
6 within or without the state to be taken in the manner prescribed by
7 law for taking depositions in civil actions in the district court;

8 (3) All evidence including records and documents in the
9 possession of the commission of which it desires to avail itself
10 shall be offered and made a part of the record in the case. No
11 other factual information or evidence shall be considered in the
12 determination of the case. Documentary evidence may be received in
13 the form of copies or excerpts or by incorporation by reference;

14 (4) Every party shall have the right of cross-examination
15 of witnesses who testify and shall have the right to submit
16 rebuttal evidence;

17 (5) The commission may take notice of judicially
18 cognizable facts and in addition may take notice of general,
19 technical, or scientific facts within its specialized knowledge or
20 statistical information regarding general levels of assessment
21 within a county or a class or subclass of property within a county
22 and measures of central tendency within such county or classes or
23 subclasses within such county which have been made known to the
24 commission. Parties shall be notified either before or during the

25 hearing or by reference in preliminary reports or otherwise of the
 26 material so noticed. They shall be afforded an opportunity to
 27 contest the facts so noticed. The commission may utilize its
 1 experience, technical competence, and specialized knowledge in the
 2 evaluation of the evidence presented to it;

3 (6) Any person testifying under oath at a hearing who
 4 knowingly and intentionally makes a false statement to the
 5 commission or its designee is guilty of perjury. For the purpose
 6 of this section, perjury is a Class I misdemeanor; and

7 (7) The commission shall hear appeals and cross appeals
 8 taken under section 77-5007 as in equity and without a jury and
 9 determine de novo all questions raised before the county board of
 10 equalization or the Property Tax Administrator which relate to the
 11 liability of the property to assessment or the amount thereof. The
 12 commission shall affirm the action taken by the board or Property
 13 Tax Administrator unless evidence is adduced establishing that the
 14 action of the board or the Property Tax Administrator was
 15 unreasonable or arbitrary the appellant establishes by a
 16 preponderance of the evidence that the assessed value exceeds
 17 actual value or the property was not equalized with other similar
 18 property in the county. In any other appeal heard by the
 19 commission, the commission shall affirm the decision of the
 20 appellee unless the appellant establishes by a preponderance of the
 21 evidence that the decision complained of is in violation of the
 22 constitution, law, or applicable rules and regulations. Any
 23 decision rendered by the commission shall be certified to the
 24 parties and, if applicable, to the county treasurer and the
 25 official charged with the duty of preparing the tax list. When
 26 such decision becomes final, any officials shall correct their
 27 records accordingly."

1 2. Renumber the remaining sections accordingly and
 2 correct the repealer and operative date sections so that the
 3 sections added by this amendment become operative on their
 4 effective date with the emergency clause.

Senator Dierks filed the following amendment to LB 957:
 AM2676

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Increasing levels of carbon dioxide and
 4 other greenhouse gases in the atmosphere has led to growing
 5 interest in national and international forums for implementing
 6 measures to slow and reverse the buildup of such atmospheric
 7 constituents. Such measures may potentially include the
 8 establishment of systems of trading in credits for adoption of
 9 practices, technologies, or other measures which decrease net
 10 emissions of carbon dioxide and other greenhouse gases.
 11 Improved agricultural production methods, soil
 12 conservation practices, and other methods of stewardship of soil

13 resources have great potential to increase carbon sequestration on
14 agricultural lands and help offset carbon dioxide emissions from
15 other sectors of the economy. It is in the interest of
16 agricultural producers and the public in general that the Nebraska
17 Natural Resources Commission document and quantify carbon
18 sequestration and greenhouse emissions reductions associated with
19 agricultural practices, management systems, and land uses occurring
20 on cropland and rangeland in Nebraska. It is the intent of the
21 Legislature that efforts to quantify and verify carbon
22 sequestration on agricultural land will enhance the ability of the
23 state's agricultural landowners to participate in any system of
24 carbon or greenhouse emissions marketing or trading.

1 Sec. 2. (1) The Carbon Sequestration Advisory Committee
2 is created. The committee shall consist of the following members
3 appointed by the Governor:
4 (a) The Director of Agriculture or his or her designee;
5 (b) The Director of Natural Resources or his or her
6 designee;
7 (c) The Director of Environmental Quality or his or her
8 designee;
9 (d) One member representing the Natural Resources
10 Conservation Service of the United States Department of
11 Agriculture;
12 (e) One member representing the University of Nebraska
13 Institute of Agriculture and Natural Resources;
14 (f) One member representing the Nebraska Energy Office;
15 (g) One member representing an entity which generates
16 electrical energy;
17 (h) Two members who are producers of field crops at least
18 one of whom actively employs a minimum tillage management system in
19 his or her farming operation;
20 (i) Two members who are producers of livestock at least
21 one of whom is actively involved in range management;
22 (j) One member with expertise in greenhouse emissions
23 marketing or trading;
24 (k) One member representing natural resources districts;
25 and

26 (l) One member representing the ethanol industry.
27 (2) Members of the committee shall serve without
1 compensation but shall be reimbursed for their actual and necessary
2 expenses as provided in sections 81-1174 to 81-1177. The Director
3 of Natural Resources shall assist the committee with administrative
4 and operational support. The Nebraska Natural Resources Commission
5 may advise the committee in the performance of its duties under
6 sections 1 to 6 of this act.

7 Sec. 3. The Carbon Sequestration Advisory Committee
8 shall:

9 (1) Advise and assist the Director of Natural Resources
10 in preparing the reports pursuant to sections 4 and 5 of this act

11 and in conducting the assessment pursuant to section 5 of this act;
12 (2) Recommend policies or programs to enhance the ability
13 of Nebraska agricultural landowners to participate in systems of
14 carbon trading. Such recommendations shall include potential
15 policies or programs designed to optimize economic benefits to
16 agricultural producers participating in carbon trading
17 transactions. Such policies or programs may include, but are not
18 limited to, identifying existing or the potential of creating
19 nonprofit organizations or other public or private entities capable
20 of serving as assemblers of carbon credits or as intermediaries on
21 behalf of producers in carbon trading systems;

22 (3) Encourage the production of educational and advisory
23 materials regarding carbon sequestration on agricultural lands and
24 participation in systems of carbon or greenhouse emissions trading;
25 and

26 (4) Identify and recommend areas of research needed to
27 better understand and quantify the processes of carbon
1 sequestration on agricultural lands.

2 Sec. 4. On or before December 1, 2001, the Director of
3 Natural Resources, in consultation with the Carbon Sequestration
4 Advisory Committee, shall prepare a report to the Legislature. The
5 report shall include, but not be limited to:

6 (1) The potential for, and potential forms of, greenhouse
7 emissions regulation;

8 (2) The potential for development of a system or systems
9 of carbon emissions trading or markets for carbon sequestered on
10 agricultural land;

11 (3) Agricultural practices, management systems, or land
12 uses which increase stored soil carbon and minimize carbon dioxide
13 or other greenhouse emissions associated with agricultural
14 production;

15 (4) Methods for measuring and modeling net carbon
16 sequestration and greenhouse emissions reduction associated with
17 various agricultural practices, management systems, or land uses
18 occurring on agricultural land;

19 (5) Areas of scientific uncertainty with respect to
20 quantifying and understanding greenhouse emission reductions or
21 soil carbon sequestration associated with agricultural activities;
22 and

23 (6) Any recommendations of the Carbon Sequestration
24 Advisory Committee developed pursuant to section 3 of this act.

25 Sec. 5. (1) The Director of Natural Resources shall, in
26 consultation with the Carbon Sequestration Advisory Committee,
27 assess agricultural lands in the State of Nebraska for past carbon
1 sequestration and future carbon sequestration potential. The
2 assessment shall seek to quantify carbon sequestration associated
3 with various agricultural practices, management systems, and land
4 uses occurring on agricultural lands in this state. On or before
5 January 1, 2002, the director shall publish a report of the

6 findings. The director may, from time-to-time, update such
 7 findings as advancements in understanding of the processes of
 8 carbon sequestration and new data become available.
 9 (2) The assessment shall be conducted in a manner that
 10 shall provide a means for owners of agricultural land to estimate
 11 past and future net carbon sequestration resulting from
 12 agricultural practices, conservation measures, management systems,
 13 and land uses occurring on their property. The Director of Natural
 14 Resources may contract and cooperate with the Natural Resources
 15 Conservation Service of the United States Department of Agriculture
 16 to conduct assessment activities provided for in this section.
 17 (3) The director may apply for and accept grants, gifts,
 18 or other sources of public and private funds to carry out the
 19 purposes of sections 1 to 6 of this act.
 20 Sec. 6. The Carbon Sequestration Assessment Cash Fund is
 21 created. The fund shall be used to carry out sections 1 to 6 of
 22 this act. The State Treasurer shall credit to the fund any money
 23 appropriated to the fund by the Legislature and any money received
 24 as gifts, grants, or other contributions from public or private
 25 sources obtained for the purposes of sections 1 to 6 of this act.
 26 Any money in the fund available for investment shall be invested by
 27 the state investment officer pursuant to the Nebraska Capital
 1 Expansion Act and the Nebraska State Funds Investment Act.
 2 Sec. 7. Since an emergency exists, this act takes effect
 3 when passed and approved according to law."

Senator Chambers filed the following amendment to LB 973:

FA310

Amend AM2218

Page 1, lines 12, 13, strike "for personal use."

Senator Chambers filed the following amendment to LB 973:

(Amendment, AM2647, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Introduced by Connealy, 16.

WHEREAS, the Arlington High School girls' basketball team won the Class C-1 Girls' State High School Basketball Championship with a 36 to 34 victory over Chadron; and

WHEREAS, the team won 23 of 26 games played this season; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Arlington High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School

Basketball Tournament.

2. That a copy of this resolution be sent to Coach Tom Schumacher and the Arlington High School.

Laid over.

LEGISLATIVE RESOLUTION 313. Introduced by Kiel, 9; Bourne, 8; Hilgert, 7; Hartnett, 45; Thompson, 14; Tyson, 19; Wickersham, 49.

WHEREAS, the Creighton University men's basketball team, the Bluejays, won the championship of the Missouri Valley Conference on March 6, 2000; and

WHEREAS, Coach Dana Altman and the Creighton Bluejays posted a 23-9 season record; and

WHEREAS, as Missouri Valley Conference champions, the Creighton Bluejays have won a berth in the NCAA tournament; and

WHEREAS, Creighton became only the third team in the 23-year history of the Missouri Valley Conference tournament to win back to back titles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

NOTICE OF COMMITTEE HEARING **General Affairs**

Wednesday, March 29, 2000

1:00 p.m.

Nebraska Advisory Commission on Compulsive Gambling

Jerry Bauerkemper

Thomas Nutt

Judy Streeks

Nebraska Arts Council

Thompson Rogers

(Signed) Ray Janssen, Chairperson

STANDING COMMITTEE REPORTS **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.

Commission of Industrial Relations

Brenda Council

Nebraska Boiler Safety Code Advisory Board
James E. Marvin

VOTE: Aye: Senators Vrtiska, Hilgert, Preister, and Schimek. Nay: None.
Absent: Senators Chambers, Dierks, and Redfield.

(Signed) Floyd P. Vrtiska, Chairperson

Health and Human Services

LEGISLATIVE BILL 1427. Placed on General File as amended.
(Standing Committee amendment, AM2662, 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

GENERAL FILE

LEGISLATIVE BILL 1092. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM2552, found on page 820, was considered.

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

AM2633

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 4, strike "August 1, 2001" and insert
- 2 "June 1, 2002"; in line 14 strike "all aspects of"; and in line 16
- 3 strike "all".
- 4 2. On page 2, line 5, strike "December 15, 2000" and
- 5 insert "November 15, 2001"; and in line 25 strike "2005" and insert
- 6 "2006".
- 7 3. On page 3, line 8, strike "2003" and insert "2004".

Senator Coordsen asked unanimous consent to be excused. No objections.
So ordered.

The Robak amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, 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 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Bohlke asked unanimous consent to be excused until she returns.
No objections. So ordered.

LEGISLATIVE BILL 213. Title read. Considered.

The Standing Committee amendment, AM2068, found on page 449, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Dierks renewed his pending amendment, AM2380, found on page 642.

The Dierks amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Wickersham 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.

WITHDRAW - Cointroducer

Senator Baker withdrew his name as cointroducer to LB 1234.

VISITORS

Visitors to the Chamber were Sherry Fletcher and Donna Diller from Beatrice; and 48 fourth grade students and teacher from Riley Elementary School, Lincoln.

ADJOURNMENT

At 4:28 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, March 8, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 8, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 8, 2000

PRAYER

The prayer was offered by Dr. Andrew McDonald, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Hudkins, Schmitt, and Schrock who were excused; and Senators Bohlke, Byars, Hilgert, Kiel, and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

**STANDING COMMITTEE REPORT
Transportation and Telecommunications**

LEGISLATIVE BILL 1080. Placed on General File as amended.
Standing Committee amendment to LB 1080:
AM2668

- 1 1. On page 2, line 25, after "agency" insert "or
- 2 political subdivision".
- 3 2. On page 3, strike beginning with "A" in line 2
- 4 through "section" in line 4 and insert "The Secretary of State"; in
- 5 line 4 after "regulations" insert "to carry out this section"; in
- 6 line 16 strike "act" and insert "section"; and strike beginning
- 7 with "The" in line 24 through the period in line 25 and show as
- 8 stricken.

(Signed) Curt Bromm, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 309 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 309.

UNANIMOUS CONSENT - Members Excused

Senators Brown and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1107A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

MOTION - Return LR 20CA to Select File

Senator Stuhr moved to return LR 20CA to Select File for her specific amendment, AM2570, found on page 863.

The Stuhr motion to return prevailed with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 20CA. The Stuhr specific amendment, AM2570, found on page 863, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 628. Title read. Considered.

The Standing Committee amendment, AM2142, found on page 496, was considered.

Senators Brashear and Bruning renewed their pending amendment, AM2492, found on page 757, to the Standing Committee amendment.

Senators Robak and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

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

Senator Coordsen renewed his pending amendment, AM2566, found on page 836, to the Standing Committee amendment.

The Coordsen amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Coordsen renewed his pending amendment, AM2577, found on page 836, to the Standing Committee amendment.

The Coordsen amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 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, 12 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT **Health and Human Services**

LEGISLATIVE BILL 735. Placed on General File as amended.
Standing Committee amendment to LB 735:
AM2653

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 43-2606, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 43-2606. (1) The Department of Health and Human Services
- 6 Regulation and Licensure shall adopt and promulgate rules and
- 7 regulations for mandatory training requirements for providers of
- 8 child care and school-age-care programs pursuant to this section.
- 9 Such requirements shall include preservice orientation and at least
- 10 four hours of annual inservice training. All child care programs
- 11 required to be licensed under section 71-1911 shall show completion
- 12 of a preservice orientation approved or delivered by the department
- 13 prior to receiving a provisional license.
- 14 (2) The department shall initiate a system of documenting
- 15 the training levels of staff in specific child care settings to
- 16 assist parents in selecting optimal care settings.
- 17 (3) The training requirements shall be designed to meet
- 18 the health, safety, and developmental needs of children and shall
- 19 be tailored to the needs of licensed providers of child care

20 programs.

21 (4) A director of a program licensed pursuant to section
22 71-1911, other onsite supervisor, and staff counted as part of the
23 staff ratio of the program and employed twenty or more hours per
24 week shall annually obtain a minimum of twenty-two hours of
1 training, including (a) training in more than one of the following
2 topical areas: Child development, guidance, discipline,
3 developmentally appropriate practices, nutrition, health, safety,
4 communication skills, professionalism, business practices, or
5 multicultural competence and (b) maintaining current certification
6 for training in infant, child, and adult cardiopulmonary
7 resuscitation and first aid. At least eight hours of such training
8 shall be obtained in a group setting approved by the department.
9 The Early Childhood Training Center shall establish procedures for
10 approval of trainers and training designed to meet the training
11 requirements of this section. The remaining hours of training may
12 be obtained through self-study using training materials approved by
13 the center or an accredited postsecondary educational institution.
14 The requirements of this section shall be waived for the first year
15 of employment if such training or its equivalent has been obtained
16 within six months of commencing such employment.

17 (5)(a) Staff of a program licensed pursuant to section
18 71-1911 counted as part of the staff ratio and employed fewer than
19 twenty hours per week shall annually obtain a minimum of twelve
20 clock hours of training, including (a) training in more than one of
21 the following topical areas: Child development, guidance, and
22 discipline, developmentally appropriate practices, nutrition,
23 health, safety, communication skills, professionalism, business
24 practices, or multicultural competence and (b) maintaining current
25 certification for training in infant, child, and adult
26 cardiopulmonary resuscitation and first aid. At least six hours of
27 such training shall be obtained in a group setting approved by the
1 department. The Early Childhood Training Center shall establish
2 procedures for approval of trainers and training designed to meet
3 the training requirements of this section. The remaining hours of
4 training may be obtained through self-study using training
5 materials approved by the center or an accredited postsecondary
6 educational institution. The requirements of this section shall be
7 waived for the first year of employment if such training or its
8 equivalent has been obtained within six months of commencing such
9 employment.

10 (6) The department shall in coordination with the State
11 Department of Education provide or arrange for training
12 opportunities throughout the state and shall provide information
13 regarding training opportunities to all providers of child care
14 programs licensed pursuant to section 71-1911 at the time of
15 registration or licensure, when renewing a registration, or on a
16 yearly basis following licensure.

17 (5) ~~Each provider~~ (7) The director, onsite supervisor,

18 and staff of child care and school-age-care programs licensed
 19 pursuant to section 71-1911 receiving orientation or training shall
 20 provide his or her social security number to the department.
 21 (6) Rules and regulations adopted and promulgated under
 22 this section by the Department of Health and Human Services shall
 23 be deemed adopted and promulgated by the Department of Health and
 24 Human Services Regulation and Licensure on and after August 28,
 25 1999.

26 Sec. 2. The State of Nebraska shall establish a
 27 three-tiered system of licensure for child care and early childhood
 1 education programs licensed pursuant to sections 71-1908 to 71-1917
 2 as follows:

3 (1) Tier I shall consist of programs that meet minimum
 4 applicable licensing requirements;
 5 (2) Tier II shall consist of programs that meet minimum
 6 applicable licensing requirements, have a history of compliance,
 7 and meet additional quality criteria related to director and staff
 8 qualifications, staff training, adult-child ratio, learning
 9 environment, parental involvement, program evaluation, and other
 10 criteria reasonably calculated to influence program quality, as
 11 established by the Department of Health and Human Services
 12 Regulation and Licensure; and

13 (3) Tier III shall consist of programs that meet minimum
 14 licensing requirements, have a history of compliance, and are
 15 accredited by an accrediting organization approved by the
 16 department.

17 The department shall issue a certificate to each licensed
 18 program, indicating the tier under which such program is licensed.
 19 The program shall post such certificate in a prominent place on the
 20 licensed premises.

21 Sec. 3. Original section 43-2606, Revised Statutes
 22 Supplement, 1999, is repealed."

(Signed) Jim Jensen, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reengrossed

The following resolution was correctly reengrossed: LR 20CA.

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 314. Introduced by Engel, 17.

WHEREAS, the South Sioux City girls' basketball team is the champion

of the 2000 Class B Girls' State Basketball Tournament, repeating its championship successes of 1995, 1996, 1997, and 1998; and

WHEREAS, the 65-36 win over a talented Alliance team in the final game capped the Lady Cardinals' Girls' Class B State Basketball Championship; and

WHEREAS, the Lady Cardinals set the team tournament scoring record with 235 points in three tournament games; and

WHEREAS, Head Coach Kelly Flynn guided the South Sioux City girls' basketball team to a No. 1 ranking in Nebraska all season and is No. 6 in USA Today's national rankings; and

WHEREAS, throughout the year the South Sioux City Lady Cardinals have complemented their talents with the characteristics of sportswomanship, determination, and diligence; and

WHEREAS, the South Sioux City Lady Cardinals are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a 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, SECOND SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and its coaches, parents, and supporters.

2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals basketball team Head Coach, Kelly Flynn.

Laid over.

AMENDMENTS - Print in Journal

Senators Wickersham and Janssen filed the following amendment to LB 973:

AM2680

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 53-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-101. Sections 53-101 to 53-1,121 and section 2 of
- 5 this act shall be known and may be cited as the Nebraska Liquor
- 6 Control Act.
- 7 Sec. 2. For the purpose of raising revenue, a tax is
- 8 imposed upon individuals who have received alcoholic liquor by
- 9 transport pursuant to section 53-192 and for which the required
- 10 taxes in the state of purchase or this state have not been paid.
- 11 The tax, if due, shall be paid by the purchaser of the alcoholic
- 12 liquor. The amount of the tax shall be imposed as provided in
- 13 section 53-160. The tax shall be collected by the Department of
- 14 Revenue in the same manner as sales and use taxes under the
- 15 Nebraska Revenue Act of 1967, except that the tax shall not be due
- 16 until December 31 of the year in which the purchase was made. The
- 17 tax shall be delinquent if unpaid within twenty-five days after

18 December 31. The revenue from the tax shall be credited to the
 19 General Fund. The department and the commission shall adopt and
 20 promulgate rules and regulations to carry out this section."

21 2. On page 2, line 9, strike "section 53-192" and insert

22 "sections 53-101 and 53-192"; and in line 10 strike "is" and insert
 23 "are".

24 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 628:

FA311

Amend AM2492

On line 22, page 3 add the following language after the word "prioritize":
 "the items within"

GENERAL FILE

LEGISLATIVE BILL 833. Title read. Considered.

The Standing Committee amendment, AM2004, found on page 457, 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.

Senators Schimek, Kiel, and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 929. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Senator Landis renewed his pending amendment, AM2477, printed separately and referred to on page 773.

The Landis 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 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senators Robak and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1352. Title read. Considered.

The Standing Committee amendment, AM2535, found on page 843, 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 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1253. Title read. Considered.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM2472, found on page 751, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senators Landis and Bourne offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2692)

Pending.

VISITORS

Visitors to the Chamber were 23 junior high students and sponsors from Youth Leadership, Kearney; members of Nebraska WIFE (Women Involved in Farm Economics) from across the state; 45 fifth grade students and teachers from Clarkson Elementary School, Fremont; and Charbell Younes from Kearney.

RECESS

At 11:55 a.m., on a motion by Senator Suttle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Schrock who was excused; and Senators Bromm, Coordsen, Dierks, Hudkins, Jensen, Kiel, Lynch, Matzke, D. Pederson, Robak, Schmitt, Suttle, and Tyson who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 1135:
AM2694

(Amendments to AM2619)

- 1 1. On page 1, line 4, and page 3, line 8, strike "July",
- 2 show as stricken, and insert "January".
- 3 2. On page 3, lines 10 and 11, strike the new matter and

4 reinstate the stricken matter and strike "June 30", show as
5 stricken, and insert "December 31".

MESSAGES FROM THE GOVERNOR

March 3, 2000

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 as a member of the Board of Emergency Medical Services:

APPOINTEE:

Robert Olson, 409 Crest Dr, Papillion NE 68046

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

March 3, 2000

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 as members of the Excellence in Healthcare Council:

APPOINTEES:

Cordelia Okoye, 6821 Southfork Cr, Lincoln NE 68516
John Klosterman, 1197 34th Rd, David City NE 68632

The aforementioned names are respectfully submitted for your
consideration.

Sincerely,
(Signed) Mike Johanns

Governor

vfp/
Attachment

March 3, 2000

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 a member of the Accountability and Disclosure Commission:APPOINTEE:
Frank Hayes, 3115 N 128, Omaha NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governorvfp/
Attachment

March 3, 2000

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 a member of the Dry Bean Commission:APPOINTEE:
David Howell, 440 S-G Road, Morrill NE 69358

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governorvfp/
Attachment

March 3, 2000

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 as members of the Nebraska Motor Vehicle Industry Licensing Board:

APPOINTEES:

Jerry Haggadone, 901 Country Club Ave, York NE 68467
William Cannon, P O Box 1769, Scottsbluff NE 69361
Kevin Langel, 3800 W Benjamin Ave, Norfolk NE 68701

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

GENERAL FILE

LEGISLATIVE BILL 1253. The Landis-Bourne pending amendment, AM2692, on file and referred to on page 944, was renewed.

The Landis-Bourne amendment was adopted with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 171. Title read. Considered.

The Standing Committee amendment, AM2103, found on page 470, was considered.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment was adopted with 36 ayes, 0 nays, 9

present and not voting, and 4 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 315. Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart girls' basketball team won the 2000 State Class D-1 High School Basketball championship; and

WHEREAS, 2000 was the fifth consecutive appearance in the state basketball tournament for the Falls City Sacred Heart girls' basketball team; and

WHEREAS, the Falls City Sacred Heart girls' basketball team ended the 1999-2000 season with a record of 26 wins and 2 losses, including its 3 consecutive state tournament victories; and

WHEREAS, the Falls City Sacred Heart girls' basketball team is coached by head coach Dennis Prichard and assistant coach Sue Ebel and managed by student manager Josh Santo; and

WHEREAS, the Falls City Sacred Heart girls' basketball team consists of student-athletes Codey Sopoci, Julie Froeschl, Sally Witt, Kelsi Witt, Amanda Gruber, Whitney Merz, Nicole Simon, Cassie Pokorny, Katie O'Grady, Allison Weaver, Ashley Howard, and Erica Flynn.

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

1. That the Legislature congratulates the Falls City Sacred Heart girls' basketball team student-athletes, student manager, and coaches.

2. That a copy of this resolution be sent to Falls City Sacred Heart High School.

Laid over.

LEGISLATIVE RESOLUTION 316. Introduced by Connealy, 16.

WHEREAS, Alan Harms, principal of Wisner-Pilger High School, has been selected Nebraska's high school Principal of the Year under the auspices of the National Association of Secondary School Principals and MetLife Insurance Companies; and

WHEREAS, through Mr. Harms' guidance, the school has been chosen as one of two pilot schools which are offering an advanced studies program through Northeast Community College, which allows Wisner-Pilger students to graduate at the end of five years of high school with both a high school diploma and an Associates of Arts degree from the college; and

WHEREAS, Mr. Harms stresses the importance of a positive learning environment and has gained the respect of students, faculty, staff, and community, his effective management style has consistently kept issues and problems at school to a minimum, the morale of the students at Wisner-Pilger is very high, he encourages teachers to be innovative and works closely with them to become better educators by providing them time,

resources, and encouragement to be their best for student success, and he encourages each teacher to bring into the classroom at least four out-of-school speakers to bring more of the community into the school setting; and

WHEREAS, Mr. Harms is involved in community organizations and many school activities.

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

1. That the Legislature congratulates Alan Harms on his selection as Nebraska's high school Principal of the Year.

2. That a copy of this resolution be sent to Alan Harms.

Laid over.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 925:
AM2707

- 1 1. On page 3, line 15, strike "and"; and in line 16
- 2 after "(b)" insert "Cost means the cost of labor, materials,
- 3 supplies, food, and equipment used at the child care facility and
- 4 the cost of maintaining such facility. Cost does not include the
- 5 cost of any real estate, improvements to real estate, or fixtures
- 6 attached to such real estate or improvements or any depreciation,
- 7 taxes, interest, or other finance charge incurred in connection
- 8 with providing child care services; and
- 9 (c)".

Senator Brown filed the following amendment to LB 925:
AM2693

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 43-2606, Revised Statutes
- 3 Supplement, 1999, is amended to read:
- 4 43-2606. (1) The Department of Health and Human Services
- 5 Regulation and Licensure shall adopt and promulgate rules and
- 6 regulations for mandatory training requirements for providers of
- 7 child care and school-age-care programs pursuant to this section.
- 8 Such requirements shall include preservice orientation and at least
- 9 four hours of annual inservice training. All child care programs
- 10 required to be licensed under section 71-1911 shall show completion
- 11 of a preservice orientation approved or delivered by the department
- 12 prior to receiving a provisional license.
- 13 (2) The department shall initiate a system of documenting
- 14 the training levels of staff in specific child care settings to
- 15 assist parents in selecting optimal care settings.
- 16 (3) The training requirements shall be designed to meet
- 17 the health, safety, and developmental needs of children and shall
- 18 be tailored to the needs of licensed providers of child care
- 19 programs.
- 20 (4) A director of a program licensed pursuant to section

21 71-1911, other onsite supervisor, and staff counted as part of the
22 staff ratio of the program and employed twenty or more hours per
23 week shall annually obtain a minimum of twenty-two hours of
24 training, including (a) training in more than one of the following
1 topical areas: Child development, guidance, discipline,
2 developmentally appropriate practices, nutrition, health, safety,
3 communication skills, professionalism, business practices, or
4 multicultural competence and (b) maintaining current certification
5 for training in infant, child, and adult cardiopulmonary
6 resuscitation and first aid. At least eight hours of such training
7 shall be obtained in a group setting approved by the department.
8 The Early Childhood Training Center shall establish procedures for
9 approval of trainers and training designed to meet the training
10 requirements of this section. The remaining hours of training may
11 be obtained through self-study using training materials approved by
12 the center or an accredited postsecondary educational institution.
13 The requirements of this section shall be waived for the first year
14 of employment if such training or its equivalent has been obtained
15 within six months of commencing such employment.
16 (5)(a) Staff of a program licensed pursuant to section
17 71-1911 counted as part of the staff ratio and employed fewer than
18 twenty hours per week shall annually obtain a minimum of twelve
19 clock hours of training, including (a) training in more than one of
20 the following topical areas: Child development, guidance, and
21 discipline, developmentally appropriate practices, nutrition,
22 health, safety, communication skills, professionalism, business
23 practices, or multicultural competence and (b) maintaining current
24 certification for training in infant, child, and adult
25 cardiopulmonary resuscitation and first aid. At least six hours of
26 such training shall be obtained in a group setting approved by the
27 department. The Early Childhood Training Center shall establish
1 procedures for approval of trainers and training designed to meet
2 the training requirements of this section. The remaining hours of
3 training may be obtained through self-study using training
4 materials approved by the center or an accredited postsecondary
5 educational institution. The requirements of this section shall be
6 waived for the first year of employment if such training or its
7 equivalent has been obtained within six months of commencing such
8 employment.
9 (6) The department shall in coordination with the State
10 Department of Education provide or arrange for training
11 opportunities throughout the state and shall provide information
12 regarding training opportunities to all providers of child care
13 programs licensed pursuant to section 71-1911 at the time of
14 registration or licensure, when renewing a registration, or on a
15 yearly basis following licensure.
16 (5) Each provider (7) The director, onsite supervisor,
17 and staff of child care and school-age-care programs licensed
18 pursuant to section 71-1911 receiving orientation or training shall

- 19 provide his or her social security number to the department.
 20 (6) Rules and regulations adopted and promulgated under
 21 this section by the Department of Health and Human Services shall
 22 be deemed adopted and promulgated by the Department of Health and
 23 Human Services Regulation and Licensure on and after August 28,
 24 1999.
 25 Sec. 2. The State of Nebraska shall establish a
 26 three-tiered system of licensure for child care and early childhood
 27 education programs licensed pursuant to sections 71-1908 to 71-1917
 1 as follows:
 2 (1) Tier I shall consist of programs that meet minimum
 3 applicable licensing requirements;
 4 (2) Tier II shall consist of programs that meet minimum
 5 applicable licensing requirements, have a history of compliance,
 6 and meet additional quality criteria related to director and staff
 7 qualifications, staff training, adult-child ratio, learning
 8 environment, parental involvement, program evaluation, and other
 9 criteria reasonably calculated to influence program quality, as
 10 established by the Department of Health and Human Services
 11 Regulation and Licensure; and
 12 (3) Tier III shall consist of programs that meet minimum
 13 licensing requirements, have a history of compliance, and are
 14 accredited by an accrediting organization approved by the
 15 department.
 16 The department shall issue a certificate to each licensed
 17 program, indicating the tier under which such program is licensed.
 18 The program shall post such certificate in a prominent place on the
 19 licensed premises.
 20 Sec. 11. Original section 43-2606, Revised Statutes
 21 Supplement, 1999, is repealed."
 22 2. On page 3, lines 2 and 5; page 6, line 10; page 7,
 23 line 16; and page 8, line 15, strike "3" and insert "5".
 24 3. On page 8, line 16, strike "This" through "becomes"
 25 and insert "Sections 1, 2, 9, and 11 of this act become operative
 26 on their effective date. The other sections of this act become".
 27 4. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 925:
 AM2696

- 1 1. On page 3, line 21, strike "licensed" and after
 2 "facility" insert "licensed by the department".
 3 2. On page 4, line 5, after the period insert "Each
 4 partner, each shareholder of an electing subchapter S corporation,
 5 each beneficiary of an estate or trust, or each member of a limited
 6 liability company shall report his or her share of the credit in
 7 the same manner and proportion as he or she reports the
 8 partnership, subchapter S corporation, estate, trust, or limited
 9 liability company income."

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointments:

Cannon, William - Nebraska Motor Vehicle Industry Licensing Board -- Transportation and Telecommunications

Haggadone, Jerry - Nebraska Motor Vehicle Industry Licensing Board -- Transportation and Telecommunications

Hayes, Frank - Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

Howell, David - Dry Bean Commission -- Agriculture

Klosterman, John - Excellence in Healthcare Council -- Health and Human Services

Langel, Kevin - Nebraska Motor Vehicle Industry Licensing Board -- Transportation and Telecommunications

Okoye, Cordelia - Excellence in Healthcare Council - Health and Human Services

Olson, Robert - Board of Emergency Medical Services - Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Member Excused

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1004. E & R amendment, AM7197, printed separately and referred to on page 695, was adopted.

Senator Suttle withdrew her amendment, AM2513, found on page 783.

Senator Chambers withdrew his amendment, AM2483, printed separately and referred to on page 796.

Senators Chambers and D. Pederson renewed their pending amendment, AM2582, printed separately and referred to on page 861.

Senator Suttle offered the following amendment to the Chambers-D. Pederson amendment:

AM2652

(Amendments to AM2582)

- 1 1. On page 9, line 13, strike "in lieu of or" and show
- 2 as stricken.

The Suttle amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Chambers-D. Pederson amendment, as amended, was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment:

FA312

Amend AM2582

Strike, wherever it appears in the bill, all language relative to violation of a city or village ordinance in another state.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

Senators Cudaback and Lynch asked unanimous consent to be excused. No objections. So ordered.

Senator Landis moved to bracket LB 1004 until March 10, 2000.

Senator Landis withdrew his motion to bracket.

Pending.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 1145:
AM2698

- 1 1. Strike section 2 and insert the following sections:
- 2 "Sec. 2. Section 18-2601, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2601. Sections 18-2601 to 18-2608 and section 8 of

5 this act shall be known and may be cited as the Municipal
6 Infrastructure Redevelopment Fund Act.

7 Sec. 3. Section 18-2602, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 18-2602. The Legislature finds that the municipalities
10 of the state face an urgent need to construct, upgrade, and develop
11 municipal infrastructure facilities. By providing basic public
12 facilities, the municipalities of the state provide the building
13 blocks for economic development. Not only does the investment in
14 infrastructure generate an immediate stream of economic activity,
15 it also lays the groundwork for private investment that will use
16 the facilities so provided. Municipalities in the state currently
17 are in critical need of assistance in providing these facilities.

18 The Legislature determines that it is in the public
19 interest to establish a Municipal Infrastructure Redevelopment Fund
20 to provide funds to municipalities in the state to use to provide
21 infrastructure facilities and to permit municipalities in the state
22 to issue bonds secured by amounts payable from the Municipal
23 Infrastructure Redevelopment Fund and other sources.

24 Sec. 4. Section 18-2603, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 18-2603. For purposes of the Municipal Infrastructure
3 Redevelopment Fund Act:

4 (1) Bond means any evidence of indebtedness, including,
5 but not limited to, bonds, notes including notes issued pending
6 long-term financing arrangements, warrants, debentures, obligations
7 under a loan agreement or a lease-purchase agreement, or any
8 similar instrument or obligation;

9 (2) Fund ~~shall mean~~ means the Municipal Infrastructure
10 Redevelopment Fund;

11 (2) (3) Infrastructure project ~~shall mean~~ means any of
12 the following projects, or any combination thereof, to be owned or
13 operated by a municipality: Solid waste management facilities;
14 wastewater, storm water, and water treatment works and systems,
15 water distribution facilities, and water resources projects,
16 including, but not limited to, pumping stations, transmission
17 lines, and mains and their appurtenances; hazardous waste disposal
18 systems; resource recovery systems; airports; port facilities;
19 buildings and capital equipment used in the ~~operation~~ operations
20 and activities of municipal government and to provide services to
21 the residents of the municipality; convention and tourism
22 facilities; redevelopment projects as defined in section 18-2103;
23 and mass transit and other transportation systems, including
24 parking facilities and excluding public highways and bridges and
25 municipal roads, streets, and bridges;

26 (3) (4) Municipal allocation amount ~~shall mean~~ means, for
27 each municipality, the amount derived by multiplying the amount to
1 be allocated by the fraction determined by dividing the total
2 population of the municipality by the total population of the state

3 living in municipalities, each as determined by the most recent
4 federal census figures certified by the Tax Commissioner as
5 provided in section 77-3,119; and

6 (4) (5) Municipality ~~shall mean~~ means any city of any
7 class or any village in the state.

8 Sec. 5. Section 18-2606, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-2606. Money received by a municipality or credited to
11 its account from the fund shall be used for one of the following
12 purposes:

13 (1) To pay for the construction, acquisition, or

14 equipping of infrastructure projects or portions thereof; or

15 (2) To pay principal, interest, premium, and costs of

16 issuance on bonds debt incurred or securities issued by the

17 municipality to finance the construction, acquisition, or equipping
18 of infrastructure projects or portions thereof.

19 Sec. 6. Section 18-2607, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 18-2607. Each municipality shall be permitted to pledge

22 the amounts on deposit or to be deposited in its account of the

23 fund, as and when appropriated by the Legislature, to the holders

24 of any bonds debt incurred or securities issued by the municipality

25 to finance the construction, acquisition, or equipping of

26 infrastructure projects as long as the lien of such pledge does not

27 attach until funds are actually deposited into the municipality's

1 account, and in no event shall such a pledge be construed as an

2 obligation of the Legislature to appropriate such funds. Any such

3 pledge shall be valid and binding from the time when the pledge is

4 made. The money so pledged and thereafter received by the

5 municipality or deposited into its respective account shall

6 immediately be subject to the lien of such pledge without any

7 physical delivery thereof or further act, and the lien of any such

8 pledge shall be valid and binding as against all parties having

9 claims of any kind in tort, contract, or otherwise against the

10 municipality, irrespective of whether the parties have notice

11 thereof. Neither the resolution nor any other instrument by which

12 a pledge is created need be recorded.

13 Sec. 7. Section 18-2608, Reissue Revised Statutes of

14 Nebraska, is amended to read:

15 18-2608. No securities bonds issued by any municipality

16 and pledging which pledges funds to be deposited in its account of

17 the fund shall constitute a debt, liability, or general obligation

18 of this state or a pledge of the faith and credit of this state but

19 shall be payable, to the extent payable from state revenue, solely

20 from amounts credited to the accounts of the fund as provided by

21 the Municipal Infrastructure Redevelopment Fund Act, as and when

22 appropriated by the Legislature. Each security bond issued by any

23 municipality and pledging which pledges funds to be deposited in

24 its account of the fund shall contain on the face thereof a

25 statement that neither the faith and credit nor the taxing power of
26 this state is pledged to the payment of the principal of or the
27 interest on such security.

1 Sec. 8. Any municipality may by ordinance issue bonds in
2 one or more series for the construction or acquisition of an
3 infrastructure project or any portion thereof and pay the principal
4 of and interest on any such bonds by pledging funds received from
5 the Municipal Infrastructure Redevelopment Fund. Such bonds shall
6 have a final maturity not later than August 1, 2009, and the
7 aggregate debt service payments and related expenses with respect
8 to all series of such bonds for any twelve-month period during
9 which such bonds are outstanding shall not exceed the anticipated
10 receipts from the fund by such municipality. For purposes of this
11 section, anticipated receipts means the amount received by the
12 municipality from the fund for the twelve-month period immediately
13 preceding the date of issuance of such bonds.

14 Any municipality which has or may issue bonds under this
15 section may dedicate a portion of its property tax levy authority
16 as provided in section 77-3442 to meet debt service obligations
17 under the bonds, but only to the extent the receipts from the fund
18 pledged to the payment of such bonds and any other money made
19 available and used for that purpose are insufficient to pay the
20 principal of and interest on such bonds as they mature.

21 Sec. 9. Section 77-3,119, Revised Statutes Supplement,
22 1998, is amended to read:

23 77-3,119. (1) The Tax Commissioner shall certify the
24 population of cities and villages to be used for purposes of
25 calculations made pursuant to subdivision ~~(3)~~ (4) of section
26 18-2603, subdivisions (3)(a) and (b) of section 35-1205,
27 subdivision (1) of section 39-2517, and sections 39-2513 and
1 77-27,137.01. The Tax Commissioner shall transmit copies of such
2 certification to all interested parties upon request.

3 (2) The Tax Commissioner shall certify the population of
4 each city and village based upon the most recent federal census.
5 The Tax Commissioner shall determine the most recent federal census
6 for each city and village by using the most recent federal census
7 figures available from (a) the most recent federal decennial
8 census, (b) the most recent federal census update or recount
9 certified by the United States Bureau of the Census, or (c) the
10 most recent federal census figure of the city or village plus the
11 population of territory annexed as calculated in sections 18-1753
12 and 18-1754.

13 (3) The Tax Commissioner may adopt and promulgate rules
14 and regulations to carry out this section.

15 Sec. 10. Original sections 10-126, 18-2601 to 18-2603,
16 and 18-2606 to 18-2608, Reissue Revised Statutes of Nebraska, and
17 section 77-3,119, Revised Statutes Supplement, 1998, are
18 repealed."

19 2. Renumber the remaining section accordingly.

Senator Wickersham filed the following amendment to LB 1107:
AM2717

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 79-1031, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 79-1031. The department, with assistance from the
- 5 Property Tax Administrator, the Legislative Fiscal Analyst, and the
- 6 budget division of the Department of Administrative Services, shall
- 7 annually, in even-numbered years on or before November 15, provide
- 8 an estimate of the necessary funding level for the following two
- 9 school fiscal years and, in odd-numbered years on or before
- 10 November 15, provide an estimate of the necessary funding level for
- 11 the next school fiscal year, under the Tax Equity and Educational
- 12 Opportunities Support Act to the Governor, the Appropriations
- 13 Committee of the Legislature, and the Education Committee of the
- 14 Legislature."
- 15 2. On page 2, line 15, after "79-1015.01" insert ". The
- 16 calculation of the maximum levy under this subsection shall be
- 17 carried out at least seven decimal places and rounded to the
- 18 nearest sixth decimal place".
- 19 3. On page 6, line 7, strike "five" and insert "two";
- 20 and in line 16 after the period insert "The calculation of the
- 21 minimum levy adjustment shall be carried out at least seven decimal
- 22 places and rounded to the nearest sixth decimal place."
- 23 4. On page 7, line 19, before "The" insert "The
- 24 calculation of the local effort rate shall be carried out at least
- 1 seven decimal places and rounded to the nearest sixth decimal
- 2 place."; and in line 23, strike "and 79-1015.01" and insert ",
- 3 79-1015.01, and 79-1031".
- 4 5. Renumber the remaining section accordingly.

Senators Bohlke and Stuhr filed the following amendment to LB 812:
AM2714

- 1 1. On page 7, strike beginning with "be" in line 27
- 2 through the first "board" in line 28 and insert "cover the subject
- 3 areas of reading and writing, mathematics, science, and social
- 4 studies and history".
- 5 2. On page 8, line 16, strike "approved standards" and
- 6 insert "subject areas listed in subsection (1) of this section".

WITHDRAW - Cointroducer

Senator Price withdrew her name as cointroducer to LB 1234.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1078. No objections. So ordered.

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 171. No objections. So ordered.

VISITORS

Visitor to the Chamber was Don Pollard from Omaha.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 4:55 p.m., on a motion by Senator Bromm, the Legislature adjourned until 9:00 a.m., Thursday, March 9, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 9, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 9, 2000

PRAYER

The prayer was offered by Pastor Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Beutler, Bromm, Coordsen, Dickey, Kiel, Kristensen, Landis, Lynch, D. Pederson, Raikes, Schmitt, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

**STANDING COMMITTEE REPORTS
Urban Affairs**

LEGISLATIVE BILL 1235. Placed on General File.

LEGISLATIVE BILL 1131. Placed on General File as amended.
Standing Committee amendment to LB 1131:

AM2594

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 16-902, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 16-902. (1) A city of the first class may designate by
- 6 ordinance the portion of the territory located within two miles of
- 7 the corporate limits of the city and outside of any other organized
- 8 city or village within which the designating city will exercise the
- 9 powers and duties granted by sections 16-902 to 16-904 or section

10 19-2402.

11 (2) No owner of any real property located within the area
12 designated by a city pursuant to subsection (1) of this section may
13 subdivide, plat, or lay out such real property in building lots,
14 streets, or other portions of the same intended to be dedicated for
15 public use or for the use of the purchasers or owners of lots
16 fronting thereon or adjacent thereto without first having obtained
17 the approval of the city council of such city or its agent
18 designated pursuant to section 19-916. The fact that such real
19 property is located in a different county or counties than some or
20 all portions of the city shall not be construed as affecting the
21 necessity of obtaining the approval of the city council of such
22 city or its designated agent.

23 (3) In counties that (a) have adopted a comprehensive
24 development plan which meets the requirements of section 23-114.02

1 and (b) are enforcing subdivision regulations, the county planning
2 commission shall be provided with all available materials on any
3 proposed subdivision plat, contemplating public streets or
4 improvements, which is filed with a municipality in that county,
5 when such proposed plat lies partially or totally within the
6 extraterritorial subdivision jurisdiction being exercised by that
7 municipality in such county. The commission shall be given four
8 weeks to officially comment on the appropriateness of the design
9 and improvements proposed in the plat. The review period for the
10 commission shall run concurrently with subdivision review
11 activities of the municipality after the commission receives all
12 available material for a proposed subdivision plat.

13 Sec. 2. Section 17-1002, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 17-1002. (1) Any city of the second class or village may
16 designate by ordinance the portion of the territory located within
17 one mile of the corporate limits of such city or village and
18 outside of any other organized city or village within which the
19 designating city or village will exercise the powers and duties
20 granted by this section and section 17-1003 or 19-2402.

21 (2) No owner of any real property located within the area
22 designated by a city or village pursuant to subsection (1) of this
23 section may subdivide, plat, or lay out such real property in
24 building lots, streets, or other portions of the same intended to
25 be dedicated for public use or for the use of the purchasers or
26 owners of lots fronting thereon or adjacent thereto without first
27 having obtained the approval of the city council or board of

1 trustees of such municipality or its agent designated pursuant to
2 section 19-916. The fact that such real property is located in a
3 different county or counties than some or all portions of the
4 municipality shall not be construed as affecting the necessity of
5 obtaining the approval of the city council or board of trustees of
6 such municipality or its designated agent.

7 (3) No plat of such real property shall be recorded or

8 have any force or effect unless approved by the city council or
9 board of trustees of such municipality or its designated agent.

10 (4) In counties that have adopted a comprehensive
11 development plan which meets the requirements of section 23-114.02
12 and are enforcing subdivision regulations, the county planning
13 commission shall be provided with all available materials on any
14 proposed subdivision plat, contemplating public streets or
15 improvements, which is filed with a municipality in that county,
16 when such proposed plat lies partially or totally within the
17 extraterritorial subdivision jurisdiction being exercised by that
18 municipality in such county. The commission shall be given four
19 weeks to officially comment on the appropriateness of the design
20 and improvements proposed in the plat. The review period for the
21 commission shall run concurrently with subdivision review
22 activities of the municipality after the commission receives all
23 available material for a proposed subdivision plat.

24 Sec. 3. Section 19-2402, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 19-2402. Whenever the mayor and council of any city of
27 the first or second class, or the ~~chairman~~ chairperson and board of
1 trustees of a village in Nebraska, shall deem it necessary and
2 advisable to extend municipal water service or municipal sanitary
3 sewer service to territory beyond the existing systems, such
4 municipal officials may, by ordinance, create a district or
5 districts to be known as sanitary sewer extension districts or
6 water extension districts, as the case may be, for such purposes,
7 and such district or districts may include properties within the
8 corporate limits of the municipality and ~~one mile beyond the same~~
9 its extraterritorial zoning jurisdiction as established pursuant to
10 section 16-902 or 17-1002. Such ordinance shall state the size and
11 kind of sewer mains or water mains proposed to be constructed in
12 such district and shall designate the location and terminal points
13 thereof. Such ordinance shall also refer to the plans and
14 specifications for such utility extensions which shall have been
15 made and filed with the municipal clerk by the municipal engineer
16 prior to the introduction of the ordinance, and the city or village
17 engineer at the time of filing such plans and specifications shall
18 make and file an estimate of the total cost of the proposed utility
19 extension. ~~Said~~ The ordinance shall also state the outer
20 boundaries of the district or districts in which it is proposed to
21 make special assessments. When such extension of the utility
22 service involved is completed, the municipality shall compel all
23 proper connections therewith of occupied properties in such utility
24 district, and may provide a penalty for failure to comply with
25 regulations of the municipality pertaining to such utility
26 districts.

27 Sec. 4. Original sections 16-902, 17-1002, and 19-2402,
1 Reissue Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 1183. Placed on General File as amended.
Standing Committee amendment to LB 1183:
AM2600

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 19-916, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 19-916. (1) The proprietor or proprietors of any land
- 6 within the corporate limits of any city of the first or second
- 7 class or village, or ~~contiguous to the same of any land within the~~
- 8 area designated by a city of the first class pursuant to subsection
- 9 (1) of section 16-902 or within the area designated by a city of
- 10 the second class or village pursuant to subsection (1) of section
- 11 17-1002, may lay out said such land into lots, blocks, streets,
- 12 avenues, alleys, and other grounds under the name of
- 13 Addition to the City or Village of, and shall cause an
- 14 accurate map or plat thereof to be made out, designating explicitly
- 15 the land so laid out and particularly describing the lots, blocks,
- 16 streets, avenues, alleys, and other grounds belonging to such
- 17 addition. The lots must be designated by numbers, and streets,
- 18 avenues, and other grounds, by names or numbers. Such plat shall
- 19 be acknowledged before some officer authorized to take the
- 20 acknowledgments of deeds, and shall contain a dedication of the
- 21 streets, alleys, and public grounds therein to the use and benefit
- 22 of the public, and have appended a survey made by some competent
- 23 surveyor with a certificate attached, certifying that he or she has
- 24 accurately surveyed such addition and that the lots, blocks,
- 1 streets, avenues, alleys, parks, commons, and other grounds are
- 2 well and accurately staked off and marked. When such map or plat
- 3 is so made out, acknowledged, and certified, and has been approved
- 4 by the local legislative body, the same shall be filed and recorded
- 5 in the office of the register of deeds and county assessor of the
- 6 county.
- 7 (2) The legislative body may designate by ordinance an
- 8 employee of such city or village to approve further subdivision of
- 9 existing lots and blocks whenever all required public improvements
- 10 have been installed, no new dedication of public rights-of-way or
- 11 easements is involved, and such subdivision complies with the
- 12 ordinance requirements concerning minimum areas and dimensions of
- 13 such lots and blocks.
- 14 (3) Upon approval by the legislative body or its
- 15 designated agent, such plat shall be equivalent to a deed in fee
- 16 simple absolute to the municipality from the proprietor of all
- 17 streets, avenues, alleys, public squares, parks and commons, and of
- 18 such portion of the land as is therein set apart for public and
- 19 municipal use, or is dedicated to charitable, religious, or
- 20 educational purposes.
- 21 All additions thus laid out and previously located within
- 22 the corporate boundaries of the municipality shall remain a part of

23 the municipality, ~~and all~~
 24 (4) All additions laid out adjoining or contiguous to the
 25 corporate limits shall may be included within the same corporate
 26 limits and become a part of such municipality for all purposes
 27 whatsoever at such time as the addition is approved if (a) the
 1 legislative body, by resolution, provides notice of its intent that
 2 the addition be included within the municipality prior to the
 3 public hearing on the approval of the addition before the
 4 municipality's planning commission; (b) the planning commission and
 5 the legislative body both hold public hearings on such inclusion
 6 separate from the public hearings held regarding the approval of
 7 the addition; and (c) the legislative body votes to approve the
 8 inclusion of the addition within the corporate boundaries of the
 9 municipality in a separate vote from the vote approving the
 10 addition. The If the legislative body includes the addition within
 11 the corporate limits, the inhabitants of such addition shall be
 12 entitled to all the rights and privileges, and shall be subject to
 13 all the laws, ordinances, rules, and regulations of the
 14 municipality to which said such land is an addition.
 15 (5) The local legislative body shall have power by
 16 ordinance to provide the manner, plan, or method by which land
 17 within the corporate limits of any such municipality, or contiguous
 18 to the same, land within the area designated by a city of the first
 19 class pursuant to subsection (1) of section 16-902 or within the
 20 area designated by a city of the second class or village pursuant
 21 to subsection (1) of section 17-1002, may be subdivided, platted,
 22 or laid out, including a plan or system for the avenues, streets,
 23 or alleys to be laid out within or across the same, and to compel
 24 the owners of any such land in subdividing, platting, or laying out
 25 the same to conform to the requirements of the ordinance and to lay
 26 out and dedicate the avenues, streets, and alleys in accordance
 27 therewith. No addition shall have any validity, right, or
 1 privileges as an addition, and no plat of land or, in the absence
 2 of a plat, no instrument subdividing land within the corporate
 3 limits of any such municipality, or contiguous to the same or of
 4 any land within the area designated by a city of the first class
 5 pursuant to subsection (1) of section 16-902 or within the area
 6 designated by a city of the second class or village pursuant to
 7 subsection (1) of section 17-1002, shall be recorded or have any
 8 force or effect, unless the same be approved by the governing
 9 legislative body, or its designated agent, and its or his or her
 10 approval endorsed thereon.
 11 Sec. 2. Original section 19-916, Reissue Revised
 12 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 1313. Placed on General File as amended.
 Standing Committee amendment to LB 1313:
 AM2700

1 1. On page 2, line 7, strike "property" and insert

2 "individual property, district, or portion of a district"; and in
 3 line 11 strike "property owner" and insert "owner of any individual
 4 property listed in the National Register of Historic Places or of
 5 any individual property located within a district or portion of a
 6 district listed in the National Register of Historic Places".

LEGISLATIVE BILL 1367. Placed on General File as amended.

Standing Committee amendment to LB 1367:

AM2595

- 1 1. On page 2, line 10, after "consecutive" insert
- 2 "unassigned".

LEGISLATIVE BILL 1182. Indefinitely postponed.

LEGISLATIVE BILL 1320. Indefinitely postponed.

LEGISLATIVE BILL 1378. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

MOTIONS - Approve Appointments

Senator Wickersham moved the adoption of the report of the Revenue Committee for the following appointment found on page 900: Tax Equalization and Review Commission - Mark Reynolds.

Voting in the affirmative, 31:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Crosby	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Lynch	Matzke	Pedersen, Dw.
Price	Quandahl	Redfield	Robak	Schimek
Schrock	Smith	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Connealy	Cudaback	Jensen	Preister
Suttle	Tyson			

Excused and not voting, 11:

Beutler	Bromm	Coordsen	Dickey	Kiel
Kristensen	Landis	Pederson, D.	Raikes	Schmitt
Stuhr				

The appointment was confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Senator Vrtiska moved the adoption of the report of the Business and Labor Committee for the following appointments found on page 934: Commission of Industrial Relations - Brenda Council; and Nebraska Boiler Safety Code Advisory Board - James E. Marvin.

Senator Vrtiska requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Vrtiska moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 934: Commission of Industrial Relations - Brenda Council.

Voting in the affirmative, 36:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Chambers	Connealy
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jones
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Preister	Price	Quandahl	Robak	Schimek
Schrock	Smith	Suttle	Thompson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Jensen	Pederson, D.	Redfield	Tyson
Wickersham				

Excused and not voting, 7:

Bromm	Coordsen	Kiel	Kristensen	Raikes
Schmitt	Stuhr			

The appointment was confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

The second division is as follows:

Senator Vrtiska moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 934: Nebraska Boiler Safety Code Advisory Board - James E. Marvin.

Voting in the affirmative, 36:

Aguilar	Baker	Bohlke	Bourne	Brashear
---------	-------	--------	--------	----------

Brown	Bruning	Byars	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilbert
Hudkins	Janssen	Jones	Kremer	Landis
Matzke	Pedersen, Dw.	Pederson, D.	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Suttle	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Connealy	Jensen	Kristensen
Lynch	Preister	Thompson		

Excused and not voting, 5:

Bromm	Coordsen	Kiel	Schmitt	Stuhr
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 171. Considered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for review with 25 ayes, 17 nays, and 7 present and not voting.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendments to LB 628:

(1)

AM2727

(Amendments to AM2492)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 84-712.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-712.05. The following records, unless publicly
- 5 disclosed in an open court, open administrative proceeding, or open
- 6 meeting or disclosed by a public entity pursuant to its duties, may
- 7 be withheld from the public by the lawful custodian of the records:
- 8 (1) Personal information in records regarding a student,
- 9 prospective student, or former student of any tax-supported
- 10 educational institution maintaining the records, other than routine

- 11 directory information;
- 12 (2) Medical records, other than records of births and
13 deaths and except as provided in subdivision (5) of this section,
14 in any form concerning any person, and also records of elections
15 filed under section 44-2821;
- 16 (3) Trade secrets, academic and scientific research work
17 which is in progress and unpublished, including research reports
18 requested by public officials which are in draft form and which
19 have not been furnished to the public official for whom the report
20 was prepared, and other proprietary or commercial information which
21 if released would give advantage to business competitors and serve
22 no public purpose;
- 23 (4) Records which represent the work product of an
1 attorney and the public body involved which are related to
2 preparation for litigation, labor negotiations, or claims made by
3 or against the public body or which are confidential communications
4 as defined in section 27-503;
- 5 (5) Records developed or received by law enforcement
6 agencies and other public bodies charged with duties of
7 investigation or examination of persons, institutions, or
8 businesses, when the records constitute a part of the examination,
9 investigation, intelligence information, citizen complaints or
10 inquiries, informant identification, or strategic or tactical
11 information used in law enforcement training, except that this
12 subdivision shall not apply to records so developed or received
13 relating to the presence of and amount or concentration of alcohol
14 or drugs in any body fluid of any person;
- 15 (6) Appraisals or appraisal information and negotiation
16 records concerning the purchase or sale, by a public body, of any
17 interest in real or personal property, prior to completion of the
18 purchase or sale;
- 19 (7) Personal information in records regarding personnel
20 of public bodies other than salaries and routine directory
21 information;
- 22 (8) Information solely pertaining to protection of the
23 physical security of public property such as guard schedules; lock
24 combinations; or the security standards, procedures, policies,
25 plans, specifications, diagrams, access lists, and other
26 security-related records of the Lottery Division of the Department
27 of Revenue and those persons or entities with which the division
1 has entered into contractual relationships. Nothing in this
2 subdivision shall allow the division to withhold from the public
3 any information relating to amounts paid persons or entities with
4 which the division has entered into contractual relationships,
5 amounts of prizes paid, the name of the prize winner, and the city,
6 village, or county where the prize winner resides;
- 7 (9) With respect to public utilities and except as
8 provided in sections 43-512.06 and 70-101, personally identified
9 private citizen account payment information, credit information on

10 others supplied in confidence, and customer lists;

11 (10) Records or portions of records kept by a publicly
12 funded library which, when examined with or without other records,
13 reveal the identity of any library patron using the library's
14 materials or services;

15 (11) Correspondence, memoranda, and records of telephone
16 calls related to the performance of duties by a member of the
17 Legislature in whatever form. The lawful custodian of the
18 correspondence, memoranda, and records of telephone calls, upon
19 approval of the Executive Board of the Legislative Council, shall
20 release the correspondence, memoranda, and records of telephone
21 calls which are not designated as sensitive or confidential in
22 nature to any person performing an audit of the Legislature. A
23 member's correspondence, memoranda, and records of confidential
24 telephone calls related to the performance of his or her
25 legislative duties shall only be released to any other person with
26 the explicit approval of the member;

27 (12) Records or portions of records kept by public bodies
1 which would reveal the location, character, or ownership of any
2 known archaeological, historical, or paleontological site in
3 Nebraska when necessary to protect the site from a reasonably held
4 fear of theft, vandalism, or trespass. This section shall not
5 apply to the release of information for the purpose of scholarly
6 research, examination by other public bodies for the protection of
7 the resource or by recognized tribes, the Unmarked Human Burial
8 Sites and Skeletal Remains Protection Act, or the federal Native
9 American Graves Protection and Repatriation Act;

10 (13) Records or portions of records kept by public bodies
11 which maintain collections of archaeological, historical, or
12 paleontological significance which reveal the names and addresses
13 of donors of such articles of archaeological, historical, or
14 paleontological significance unless the donor approves disclosure,
15 except as the records or portions thereof may be needed to carry
16 out the purposes of the Unmarked Human Burial Sites and Skeletal
17 Remains Protection Act or the federal Native American Graves
18 Protection and Repatriation Act; and

19 (14) Job application materials submitted by applicants,
20 other than finalists, who have applied for employment by any public
21 body as defined in section 84-1409. For purposes of this
22 subdivision, job application materials means employment
23 applications, resumes, reference letters, and school transcripts,
24 and finalist means any applicant who is offered and who accepts an
25 interview by a public body or its agents, representatives, or
26 consultants for any public employment position."

27 2. On page 5, line 10, strike "and" and after the comma
1 insert "and 84-712.05,".

2 3. Renumber the remaining sections accordingly.

(2)

AM2704

(Amendments to AM2492)

1 1. On page 3, line 8, after "a" insert "written".

(3)

AM2705

(Amendments to AM2492)

1 1. On page 3, line 19, after "request" insert "or due to
2 difficulty requiring legal advice in determining whether a
3 particular requested document is a public record".

(4)

AM2703

(Amendments to AM2492)

1 1. On page 3, line 22, after "prioritize" insert "the
2 items within".

Senator Schrock filed the following amendment to LB 1234:
AM2622

(Amendments to Standing Committee amendments, AM2553)

1 1. Strike amendment 1 and all amendments thereto and
2 insert the following amendment:
3 "1. Strike the original sections and insert the
4 following new sections:
5 'Section 1. It is hereby declared to be the public
6 policy of the state that, in order to safeguard life, health,
7 property, and public welfare of its citizens, the production, sale,
8 and use of motor fuel and the pollution caused by certain
9 components of motor fuel are matters affecting the public interest
10 and that a statewide emphasis on the production and use of motor
11 fuel containing renewable fuel content is necessary for the
12 reduction of pollution and will further serve as an incentive for
13 the agricultural economy. The Legislature especially recognizes
14 that renewable fuel and the development of an additional source of
15 fuel will help meet the energy requirements necessary to safeguard
16 life, health, property, and public welfare of our citizens.
17 Sec. 2. (1) Except as otherwise provided in this
18 section, all gasoline offered for sale, sold, or dispensed for use
19 as motor fuel in Nebraska shall, beginning January 1, 2001, contain
20 a renewable fuel content equal to or greater than three and
21 one-half percent weight oxygen. For purposes of this section,
22 renewable fuel means fuel made from renewable sources such as
23 ethanol produced from corn, sorghum, and biomass, but does not
1 include methyl tertiary-butyl ether (MTBE).
2 (2) Gasoline shall be exempt from the requirements of
3 subsection (1) of this section if it is (a) a premium grade fuel
4 containing ninety-one or more octane or (b) offered for sale, sold,
5 or dispensed for use at an airport in aircraft.

6 Sec. 3. The Department of Revenue shall monitor and
7 maintain a record of wholesale terminal prices of gasoline offered
8 for sale, sold, or dispensed pursuant to section 2 of this act. On
9 or before December 1 of each year, the Department of Revenue shall
10 issue a report to the Legislature regarding its duties pursuant to
11 this section.

12 Sec. 4. This act becomes operative on January 1, 2001.

13 Sec. 5. The following section is outright repealed:

14 Section 66-1225, Reissue Revised Statutes of Nebraska.'".

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 557, 652, 652A, 717, 717A, 922, 922A, 950, 950A, 994, 1125, 1190, and LR 291CA.

Enrollment and Review Change to LB 652

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

ER9122

1. In the Thompson amendment, AM2267, on page 19, line 17, "thereafter" has been struck.

2. In the E & R amendments, AM7193, on page 3, line 3, "and fund" has been inserted after "facility".

Enrollment and Review Change to LB 652A

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

ER9120

1. On page 1, lines 3 and 4, "; and to declare an emergency" has been struck.

Enrollment and Review Change to LB 950

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

ER9121

1. On page 6, line 27, "Finance and Support" has been inserted after "Services".

Enrollment and Review Change to LB 994

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

ER9123

1. In the E & R amendments, AM7208, on page 8, line 16, "rules and" has been inserted after "the".

2. On page 1, line 6, "eliminate law enforcement training provisions for cities and villages; to" has been inserted before "harmonize".

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1348. Title read. Considered.

Senators Kremer and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM2527, found on page 889, was considered.

Pending.

MOTION - Suspend Rules

Senator Stuhr moved to suspend the rules, Rule 4, Section 2, and Rule 6, Section 7(b), to permit consideration of LR 20CA on Final Reading.

The Stuhr motion to suspend the rules prevailed with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 20CA.

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

Section 1. At the primary election in May 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 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 an English language requirement for private, denominational, and parochial schools.

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, 48:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Kremer

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

UNANIMOUS CONSENT - Member Excused

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 510

Senator Chambers renewed his pending motion, found on page 878, to reconsider the vote on overriding the veto to LB 510.

SPEAKER KRISTENSEN PRESIDING

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 28:

Beutler	Bohlke	Bourne	Brashear	Bromm
Brown	Byars	Chambers	Connealy	Cudaback
Dierks	Hartnett	Hilgert	Janssen	Kiel
Kristensen	Landis	Lynch	Pederson, D.	Preister
Price	Raikes	Robak	Schimek	Schmitt
Suttle	Thompson	Wickersham		

Voting in the negative, 19:

Aguilar	Baker	Bruning	Coordsen	Crosby
Dickey	Engel	Hudkins	Jensen	Jones
Matzke	Pedersen, Dw.	Quandahl	Redfield	Schrock
Smith	Stuhr	Tyson	Wehrbein	

Excused and not voting, 2:

Kremer Vrtiska

The Chambers motion to reconsider failed with 28 ayes, 19 nays, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 20CA.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1214A. Introduced by Kristensen, 37; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 881A, section 2; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1214, Ninety-sixth Legislature, Second Session, 2000; to repeal the original section; and to declare an emergency.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 171:
 FA313
 Amend AM2103
 On line 15 strike "all" and insert "one-half"

Senator Hilgert filed the following amendment to LB 953:
 (Amendment, AM2674, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1214. Placed on General File as amended.

Standing Committee amendment to LB 1214:

AM2635

- 1 1. On page 2, line 5; and page 5, line 12, strike
- 2 "thirty-five", show as stricken, and insert "twenty-five".
- 3 2. On page 5, lines 14 through 20, strike the new matter
- 4 and reinstate the stricken matter.

LEGISLATIVE BILL 1215. Placed on General File.

LEGISLATIVE BILL 1216. Placed on General File as amended.

Standing Committee amendment to LB 1216:

AM2688

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. The State Procurement Card Distributive Fund is
- 4 created. All rebates received by the state from any procurement
- 5 card programs entered into by the State of Nebraska, except for
- 6 rebates received from separate procurement card programs entered
- 7 into solely by the University of Nebraska, shall be credited to the
- 8 fund. The fund may consist of procurement card and travel card
- 9 payments and deposits received from state agencies, boards,
- 10 commissions, and political subdivisions, plus any rebate revenue
- 11 received on behalf of the program by the accounting division of the
- 12 Department of Administrative Services. The fund may be used for
- 13 the purpose of coordinating and expediting payments to vendors
- 14 related to any procurement card programs administered by the
- 15 accounting division and the required distribution of any rebate
- 16 revenue, after covering expenses. The fund shall be administered
- 17 by the Accounting Administrator. The accounting division shall
- 18 deduct from the total program rebates of any state-sponsored
- 19 procurement card program an amount necessary to cover the full cost
- 20 of operating the procurement card program. After deducting the
- 21 full cost of operating the procurement card program from the total
- 22 program rebates, with the exception of existing procurement card
- 23 programs, the remaining rebate funds shall be distributed on an
- 24 annual basis by the Accounting Administrator based on a combination
- 1 of volume performance and speed of pay performance among the
- 2 following entities: (1) The University of Nebraska; (2) the
- 3 accounting division, on behalf of the remainder of state
- 4 government; and (3) any political subdivisions participating in any
- 5 state-sponsored procurement card program. The Accounting
- 6 Administrator is authorized to distribute through the fund or
- 7 through a vendor contractual agreement the remaining program
- 8 rebates, after covering expenses. On a monthly basis the
- 9 accounting division shall administratively transfer all interest

10 earnings credited to the fund to the Accounting Division Revolving
 11 Fund within ten days after the end of each month. On an annual
 12 basis the accounting division shall administratively transfer from
 13 the fund to the Accounting Division Revolving Fund all rebate
 14 revenue to which the accounting division is entitled plus an amount
 15 necessary to cover the full cost of operating the procurement card
 16 program. All costs of operating the procurement card program shall
 17 be paid through the Accounting Division Revolving Fund.
 18 Any money in the fund available for investment shall be
 19 invested by the state investment officer pursuant to the Nebraska
 20 Capital Expansion Act and the Nebraska State Funds Investment
 21 Act."

LEGISLATIVE BILL 1217. Placed on General File as amended.
 (Standing Committee amendment, AM2629, 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 1349. Placed on General File as amended.
 Standing Committee amendment to LB 1349:
 AM2618

- 1 1. Insert the following new sections:
- 2 "Sec. 11. Sections 1, 2, 12, and 15 of this act become
- 3 operative on July 1, 2001. The other sections of this act become
- 4 operative on their effective date.
- 5 Sec. 12. Original section 81-179, Revised Statutes
- 6 Supplement, 1998, and section 77-2602, Revised Statutes Supplement,
- 7 1999, are repealed.
- 8 Sec. 15. The following section is outright repealed:
- 9 Section 14-3,130, Reissue Revised Statutes of Nebraska."
- 10 2. On page 3, strike lines 17 through 28 and show as
- 11 stricken.
- 12 3. On page 4, strike line 1 and show as stricken; in
- 13 line 2 strike "(d) Fourth", show as stricken, and insert "(c)
- 14 Third"; strike beginning with line 3 through "until" in line 6 and
- 15 show as stricken; in line 21 strike "(e) Fifth", show as stricken,
- 16 and insert "(d) Fourth"; in line 23 strike "(d)", show as stricken,
- 17 and insert "(c)"; in line 24 strike "(g)" and insert "(f)"; and in
- 18 line 26 strike "(f) Sixth", show as stricken, and insert "(e)
- 19 Fifth".
- 20 4. On page 5, line 5, strike "(g) Seventh" and insert
- 21 "(f) Sixth"; and in line 10 strike "the City of Omaha Public Events
- 22 Facilities Fund," and show as stricken.
- 23 5. On page 6, strike beginning with the second "the" in
- 24 line 1 through "(f)" in line 2 and show the old matter as stricken;
- 1 in line 3 strike "(g)" and insert "(f)"; and in line 6 strike the
- 2 new matter and reinstate the stricken matter.
- 3 6. Strike beginning on page 6, line 28, through the
- 4 period on page 7, line 7, and show as stricken.

- 5 7. On page 7, strike beginning with "June" in line 10
6 through "30" in line 11 and insert "July 1, 2001, and before July
7 15".
- 8 8. On page 13, line 7, after the period insert "In
9 addition, the Chief Information Officer shall provide the
10 Legislature a semiannual progress report for enterprise projects
11 funded through the fund.".
- 12 9. On page 14, strike beginning with "section" in line
13 10 through the last comma in line 11.
- 14 10. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1369. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

VISITORS

Visitors to the Chamber were Senator Beutler's mother and aunt, Dorothy Beutler and Elizabeth Braun; Chuck Hamernik from Clarkson; Harvey Soderholm from Lincoln; and 30 fourth grade students and teachers from Geneva Elementary School.

RECESS

At 11:59 a.m., on a motion by Senator Thompson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Crosby, Dierks, Hilgert, Landis, Matzke, Price, Raikes, Robak, Schimek, and Tyson who were excused until they arrive.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 9, 2000, at 12:15 p.m., was the following: LR 20CA.

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

SELECT FILE

LEGISLATIVE BILL 155. E & R amendment, AM7199, printed separately and referred to on page 703, was adopted.

Senator Bromm renewed his pending amendment, AM2549, found on page 797.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bromm withdrew his amendment.

Advanced to E & R for engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1401A. 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 1401, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1413. Placed on General File.

LEGISLATIVE BILL 223. Placed on General File as amended.
Standing Committee amendment to LB 223:
AM2061

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 16 of this act shall be known
- 4 and may be cited as the Court Appointed Special Advocate Act.
- 5 Sec. 2. For purposes of the Court Appointed Special
- 6 Advocate Act, the definitions in sections 3 to 5 of this act apply.
- 7 Sec. 3. Child means an individual under nineteen years
- 8 of age.
- 9 Sec. 4. Court appointed special advocate volunteer or
- 10 volunteer means an individual appointed by a court pursuant to the
- 11 Court Appointed Special Advocate Act.
- 12 Sec. 5. Court appointed special advocate program means a
- 13 program established pursuant to the Court Appointed Special
- 14 Advocate Act.
- 15 Sec. 6. (1) Court appointed special advocate programs
- 16 may be established and shall operate pursuant to the Court
- 17 Appointed Special Advocate Act.
- 18 (2) A court appointed special advocate program shall:
- 19 (a) Be an organization that screens, trains, and
- 20 supervises court appointed special advocate volunteers to advocate
- 21 for the best interests of children when appointed by a court as

22 provided in section 10 of this act. Each court may be served by a
23 court appointed special advocate program. One program may serve
24 more than one court;

1 (b) Hold regular case conferences with volunteers to
2 review case progress, and conduct annual performance reviews for
3 all volunteers;

4 (c) Provide staff and volunteers with written program
5 policies, practices, and procedures; and

6 (d) Provide the training required pursuant to section 8
7 of this act.

8 Sec. 7. The program director of the court appointed
9 special advocate program shall be responsible for the
10 administration of the program, including recruitment, selection,
11 training, supervision, and evaluation of staff and court appointed
12 special advocate volunteers.

13 Sec. 8. (1) All court appointed special advocate
14 volunteers shall participate fully in preservice training,
15 including, but not limited to, instruction on recognizing child
16 abuse and neglect, cultural awareness, socioeconomic issues, child
17 development, the juvenile court process, permanency planning,
18 volunteer roles and responsibilities, advocacy, information
19 gathering, and documentation. Volunteers shall be required to
20 participate in observation of court proceedings prior to
21 appointment.

22 (2) All volunteers shall receive a training manual that
23 includes guidelines for service and duties.

24 (3) Each court appointed special advocate program shall
25 provide a minimum of ten hours of inservice training per year to
26 volunteers.

27 Sec. 9. (1) The minimum qualifications for any
1 prospective court appointed special advocate volunteer are that he
2 or she shall:

3 (a) Be at least twenty-one years of age or older and have
4 demonstrated an interest in children and their welfare;

5 (b) Be willing to commit to the court for a minimum of
6 one year of service to a child;

7 (c) Complete an application, including providing
8 background information required pursuant to subsection (2) of this
9 section;

10 (d) Participate in a screening interview; and

11 (e) Participate in the training required pursuant to
12 section 8 of this act.

13 (2) As required background screening, the program
14 director shall obtain the following information regarding a
15 volunteer applicant:

16 (a) A check of the applicant's criminal history record
17 information maintained by the Identification Division of the
18 Federal Bureau of Investigation through the Nebraska State Patrol;

19 (b) A check of his or her record with the state Abused or

20 Neglected Child Registry;

21 (c) A check of his or her driving record; and

22 (d) At least three references who will attest to the

23 applicant's character, judgment, and suitability for the position

24 of a court appointed special advocate volunteer.

25 (3) If the applicant has lived in Nebraska for less than

26 twelve months, the program director shall obtain the records

27 required in subdivisions (2)(a) through (2)(c) of this section

1 from all other jurisdictions in which the applicant has lived

2 during the preceding year.

3 Sec. 10. (1) A judge may appoint a court appointed

4 special advocate volunteer in any proceeding brought pursuant to

5 section 43-247 or section 43-292 when, in the opinion of the judge,

6 a child who may be affected by such proceeding requires services

7 that a volunteer can provide and the court finds that the

8 appointment is in the best interests of the child.

9 (2) A volunteer shall be appointed pursuant to a court

10 order. The court order shall specify the volunteer as either:

11 (a) A co-guardian ad litem, if both a volunteer and an

12 attorney are appointed as guardians ad litem; or

13 (b) A friend of the court acting on the authority of the

14 judge. The volunteer acting as a friend of the court may offer as

15 evidence a written report with recommendations consistent with the

16 best interests of the child, subject to all pertinent objections.

17 (3) A memorandum of understanding between a court and a

18 court appointed special advocate program is required in any county

19 where a program is established and shall set forth the roles and

20 responsibilities of the court appointed special advocate volunteer.

21 For cases in which the volunteer is appointed as a co-guardian ad

22 litem, the memorandum of understanding shall set forth the roles

23 and responsibilities of the co-guardians ad litem.

24 (4) The volunteer's appointment shall conclude:

25 (a) When the court's jurisdiction over the child

26 terminates;

27 (b) Upon discharge by the court on its own motion;

1 (c) With the approval of the court, at the request of the

2 program director of the court appointed special advocate program to

3 which the volunteer is assigned; or

4 (d) Upon successful motion of a party to the action for

5 the removal of the volunteer because the party believes the

6 volunteer has acted inappropriately, is unqualified, or is

7 unsuitable for the appointment.

8 Sec. 11. A court appointed special advocate volunteer

9 shall not:

10 (1) Accept any compensation for the duties and

11 responsibilities of his or her appointment;

12 (2) Have any association that creates a conflict of

13 interest with his or her duties;

14 (3) Be related to any party or attorney involved in a

15 case;

16 (4) Be employed in a position that could result in a
17 conflict of interest or give rise to the appearance of a conflict;
18 and

19 (5) Use the position to seek or accept gifts or special
20 privileges.

21 Sec. 12. (1) Upon appointment in a proceeding, a court
22 appointed special advocate volunteer shall:

23 (a) Conduct an independent examination regarding the best
24 interests of the child that will provide factual information to the
25 court regarding the child and the child's family. The examination
26 may include interviews with and observations of the child,
27 interviews with other appropriate individuals, and the review of
1 relevant records and reports; and

2 (b) Determine if an appropriate permanency plan has been
3 created for the child, whether appropriate services are being
4 provided to the child and the child's family, and whether the
5 treatment plan is progressing in a timely manner.

6 (2) The volunteer, with the support and supervision of
7 the court appointed special advocate program staff, shall make
8 recommendations consistent with the best interests of the child
9 regarding placement, visitation, and appropriate services for the
10 child and the child's family and shall prepare a written report to
11 be distributed to the court and the parties to the proceeding.

12 (3) The volunteer shall monitor the case to which he or
13 she has been appointed to assure that the child's essential needs
14 are being met.

15 (4) The volunteer shall make every effort to attend all
16 hearings, meetings, and any other proceeding concerning the case to
17 which he or she has been appointed.

18 (5) The volunteer may be called as a witness in a
19 proceeding by any party or the court.

20 Sec. 13. (1) All government agencies, service
21 providers, professionals, parents, and families shall cooperate
22 with all reasonable requests of the court appointed special
23 advocate volunteer. The volunteer shall cooperate with all
24 government agencies, service providers, professionals, parents, and
25 families.

26 (2) The volunteer shall be notified in a timely manner of
27 all hearings, meetings, and any other proceeding concerning the
1 case to which he or she has been appointed. The court in its
2 discretion may proceed notwithstanding failure to notify the
3 volunteer or failure of the volunteer to appear.

4 Sec. 14. The contents of any document, record, or other
5 information relating to a case to which the court appointed special
6 advocate volunteer has access are confidential and the volunteer
7 shall not disclose such information to persons other than the
8 court, the parties to the action, and other persons authorized by
9 the court. A violation of this section is a Class III misdemeanor.

- 10 Sec. 15. Nothing in the Court Appointed Special Advocate
11 Act affects the attorney-client privilege.
- 12 Sec. 16. (1) Except as provided in subsection (2) of
13 this section, a court appointed special advocate program board
14 member, director, or staff member and court appointed special
15 advocate volunteer are immune from civil liability in any action on
16 the basis of any act or omission resulting in damage or injury if
17 acting in good faith and within the scope of the Court Appointed
18 Special Advocate Act and the damage or injury was not caused by
19 willful and wanton misconduct.
- 20 (2) A plaintiff may sue and recover civil damages from a
21 court appointed special advocate program board member, director,
22 staff member, or volunteer based upon a negligent act or omission
23 involving the operation of a motor vehicle during an activity
24 relating to the program, except that the amount recovered from such
25 person shall not exceed the limits of applicable insurance coverage
26 maintained by or on behalf of such person with respect to the
27 negligent operation of a motor vehicle in such circumstances.
- 1 Nothing in this section shall be construed to limit the right of a
2 plaintiff to recover from a policy of uninsured or underinsured
3 motorist coverage available to the plaintiff as a result of a motor
4 vehicle accident.
- 5 Sec. 17. Section 43-2,129, Reissue Revised Statutes of
6 Nebraska, is amended to read:
7 43-2,129. Sections 43-245 to 43-2,129 and section 18 of
8 this act shall be known and may be cited as the Nebraska Juvenile
9 Code.
- 10 Sec. 18. The court may appoint a court appointed special
11 advocate volunteer pursuant to the Court Appointed Special Advocate
12 Act.
- 13 Sec. 19. Original section 43-2,129, Reissue Revised
14 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 866. Placed on General File as amended.
Standing Committee amendment to LB 866:
AM0746

- 1 1. Strike original sections 12 and 13 and insert the
2 following new section:
3 "Sec. 12. Section 84-906, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 84-906. (1) No rule or regulation of any agency shall be
6 valid as against any person until five days after such rule or
7 regulation has been filed with the Secretary of State. No rule or
8 regulation required under the Administrative Procedure Act to be
9 filed with the Secretary of State shall remain valid as against any
10 person until the certified copy of the rule or regulation has been
11 so filed on the date designated and in the form prescribed by the
12 Secretary of State. The filing of any rule or regulation shall
13 give rise to a rebuttable presumption that it was duly and legally

14 adopted.

15 (2) A rule or regulation adopted after August 1, 1994,
16 shall be invalid unless adopted in substantial compliance with the
17 provisions of the act, except that inadvertent failure to mail a
18 notice of the proposed rule or regulation to any person shall not
19 invalidate a rule or regulation.

20 (3) Any action to contest the validity of a rule or
21 regulation on the grounds of its noncompliance with any provision
22 of the act shall be commenced within four years after the effective
23 date of the rule or regulation.

24 (4) The changes made to the act by Laws 1994, LB 446,
1 shall not affect the validity or effectiveness of a rule or
2 regulation adopted prior to August 1, 1994, or noticed for hearing
3 prior to such date.

4 (5)(a) Notwithstanding any other provision of law, all
5 rules, regulations, fiscal impact statements, and other required
6 materials generated in accordance with the Administrative Procedure
7 Act by the Department of Correctional Services or state charitable,
8 mental, and reformatory institutions shall be submitted by the
9 Secretary of State to the Office of Public Counsel for review and
10 written recommendations.

11 (b) The Office of Public Counsel shall submit such
12 materials along with its written recommendations to the standing
13 committee of the Legislature which has subject matter jurisdiction
14 over the issue or which has traditionally handled the issue for
15 its final approval, amendment, modification, denial, or repeal of
16 the referred rule or regulation.

17 (c) No rule or regulation required under the
18 Administrative Procedure Act to be filed with the Secretary of
19 State by the Department of Correctional Services or state
20 charitable, mental, and reformatory institutions shall be valid or
21 become effective against any person until five working days after
22 such rule or regulation has been refiled with the Secretary of
23 State as approved, amended, or modified by the standing committee
24 of the Legislature which has subject-matter jurisdiction over the
25 issue or which has traditionally handled the issue."

26 2. On page 5, line 3, reinstate the stricken "(2)"; in
27 line 15 strike "available" and insert "provided at least thirty
1 days before such a decision is acted upon".

2 3. On page 7, line 25, strike "or" and insert "and"; in
3 lines 26 and 27 strike "under section 28-105".

4 4. On page 8, line 5, after "81-112" insert ", 83-171,".

5 5. On page 10, line 11, after "she" insert "retains or"
6 and after "entitled" insert "to".

7 6. On page 15, line 17, strike "84-918" and insert
8 "84-906".

9 7. Renumber the remaining sections accordingly.

Standing Committee amendment to LB 972:
AM2558

- 1 1. Strike original section 4 and insert the following
- 2 new sections:
- 3 "Sec. 4. (1) The Title IV-D Division shall establish a
- 4 Customer Service Unit. In hiring the initial staff for the unit, a
- 5 hiring preference shall be given to employees of the clerks of the
- 6 district court. The duties of the Customer Service Unit include,
- 7 but are not limited to:
- 8 (a) Providing account information as well as addressing
- 9 inquiries made by customers of the State Disbursement Unit; and
- 10 (b) Administering two statewide toll-free telephone
- 11 systems, one for use by employers and one for use by all other
- 12 customers, to provide responses to inquiries regarding income
- 13 withholding, the collection and disbursement of support order
- 14 payments made to the State Disbursement Unit, and other child
- 15 support enforcement issues, including establishing a call center
- 16 with sufficient telephone lines, a voice response unit, and
- 17 adequate personnel available during normal business hours to ensure
- 18 that responses to inquiries are made by the division's personnel or
- 19 the division's designee.
- 20 (2) The physical location of the Customer Service Unit
- 21 shall be in Nebraska and shall ensure that adequate responses to
- 22 inquiries are made by the division's personnel or the division's
- 23 designee.
- 24 (3) The Director of Health and Human Services shall issue
- 1 a report to the Governor and to the Legislature on or before
- 2 January 31 of each year which discloses information relating to the
- 3 operation of the State Disbursement Unit for the preceding calendar
- 4 year including, but not limited to:
- 5 (a) The number of transactions processed by the State
- 6 Disbursement Unit;
- 7 (b) The dollar amount collected by the State Disbursement
- 8 Unit;
- 9 (c) The dollar amount disbursed by the State Disbursement
- 10 Unit;
- 11 (d) The percentage of identifiable collections disbursed
- 12 within two business days;
- 13 (e) The percentage of identifiable collections that are
- 14 matched to the correct case;
- 15 (f) The number and dollar amount of insufficient funds
- 16 checks received by the State Disbursement Unit;
- 17 (g) The number and dollar amount of insufficient funds
- 18 checks received by the State Disbursement Unit for which
- 19 restitution is subsequently made to the State Disbursement Unit;
- 20 (h) The number of incoming telephone calls processed
- 21 through the Customer Service Unit;
- 22 (i) The average length of incoming calls from employers;
- 23 (j) The average length of incoming calls from all other

24 customers;

25 (k) The percentage of incoming calls resulting in

26 abandonment by the customer;

27 (l) The percentage of incoming calls resulting in a

1 customer receiving a busy signal;

2 (m) The average holding time for all incoming calls; and

3 (n) The percentage of calls handled by employees of the

4 Customer Service Unit that are resolved within twenty-four hours.

5 Sec. 5. (1) The State Disbursement Advisory Commission

6 is created. Commission members shall include:

7 (a) One district court judge whose jurisdiction includes

8 domestic relations;

9 (b) One representative of the Governor's office;

10 (c) One county attorney who works in child support;

11 (d) One district court clerk;

12 (e) One child support worker;

13 (f) One member of the Legislature;

14 (g) One employer, with more than seventy-five employees,

15 who provides income withholding;

16 (h) One employer, with less than twenty-five employees,

17 who provides income withholding;

18 (i) One custodial parent who has a court order to receive

19 child support;

20 (j) One noncustodial parent who is under a support order

21 to pay child support;

22 (k) The manager of the State Disbursement Unit as an ex

23 officio member; and

24 (l) The director of the Title IV-D Division or his or her

25 designee as an ex officio member.

26 (2)(a) The Executive Board of the Legislative Council

27 shall appoint the members of the commission under subdivisions

1 (1)(a) through (1)(j) of this section. The initial members of the

2 commission shall be appointed no later than June 1, 2000. Members

3 shall serve terms of two years, except that the initial terms of

4 members under subdivisions (1)(f) through (1)(j) of this section

5 shall be one year to provide for staggered terms for commission

6 members. In the case of a vacancy, a successor shall be appointed

7 for the unexpired term by the Executive Board. Members whose terms

8 have expired shall continue to serve until their successors have

9 been appointed. The commission shall select a chairperson,

10 annually, from its membership. A chairperson may serve more than

11 one year. Members shall serve without compensation but shall be

12 reimbursed for their actual and necessary expenses incurred in the

13 performance of their duties as provided in sections 81-1174 to

14 81-1177.

15 (b) If determined to be necessary to perform the duties

16 of the commission, the commission may hire, contract, or otherwise

17 obtain the services of consultants, researchers, aides, and other

18 necessary support staff by an affirmative vote of no less than

- 19 seven commissioners and with prior approval of the chairperson of
 20 the Executive Board of the Legislative Council.
 21 (c) For administrative purposes, the commission shall be
 22 managed and administered by the Legislative Council.
 23 (3) The commission shall meet at least quarterly. The
 24 duties of the commission shall include, but are not limited to:
 25 (a) Recommending to the department, if appropriate, ways
 26 to improve or enhance the effectiveness of the State Disbursement
 27 Unit and Customer Service Unit;
 1 (b) Recommending performance indicators for the State
 2 Disbursement Unit and Customer Service Unit;
 3 (c) Recommending legislation which would clarify and
 4 improve state law regarding support for children as it relates to
 5 the State Disbursement Unit; and
 6 (d) Presenting an annual report of its activities and
 7 recommendations to the Executive Board of the Legislative Council
 8 by January 1 of each year."
 9 2. On page 3, strike beginning with "The" in line 18
 10 through line 23 and insert
 11 "The State Disbursement Unit may collect a fee equal to
 12 the actual cost of processing an insufficient funds check. After a
 13 payor has originated two insufficient funds checks within a period
 14 of six months, the unit may issue a notice to the originator that
 15 no further checks will be accepted from such person and that future
 16 payments are required to be paid by cash, guaranteed funds, or
 17 electronic funds transfer."
 18 3. On page 25, lines 21 and 28, strike "19" and insert
 19 "20".
 20 4. On page 36, line 28; page 38, line 24; and page 39,
 21 line 1, strike "4" and insert "5".
 22 5. On page 38, line 10, after the period insert
 23 "In employing initial staff for the unit, a hiring
 24 preference shall be given to employees of the clerks of the
 25 district court."; in line 21, strike "Cash", show as stricken, and
 26 insert "Distributive"; and in line 24 after the period insert "Any
 27 money in the Title IV-D Support Payment Cash Fund on the operative
 1 date of this section shall be transferred to the Title IV-D Support
 2 Payment Distributive Fund."
 3 6. On page 39, line 2, strike "11, 14, 15, 24, 26 to 32,
 4 and 35" and insert "5, 12, 15, 16, 25, 27 to 33, and 36".

LEGISLATIVE BILL 1030. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LEGISLATIVE BILL 1167. Placed on General File as amended.
 (Standing Committee amendment, AM2678, 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

SELECT FILE

LEGISLATIVE BILL 1018. E & R amendment, AM7201, printed separately and referred to on page 761, was adopted.

Senator Kremer renewed his pending amendment, AM2488, found on page 771.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kremer amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Thompson renewed her pending amendment, AM2498, printed separately and referred to on page 797.

Senators Tyson, Lynch, Coordsen, and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson withdrew her amendment.

Senator Beutler renewed his pending amendment, AM2544, found on page 797.

The Beutler amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Bromm renewed his pending amendment, AM2548, found on page 797.

The Bromm amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:

FA315

Amend AM7201

P. 12, lines 22, 23, strike, "at a reasonable price and on reasonable terms and conditions"

The Chambers amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Robak offered the following amendment:

AM2747

(Amendments to E & R amendments, AM7201)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-601, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 60-601. Sections 60-601 to 60-6,374 and section 2 of
- 5 this act shall be known and may be cited as the Nebraska Rules of
- 6 the Road.
- 7 Sec. 2. It is unlawful to use nitrous oxide as a fuel
- 8 additive in any motor vehicle operated on any highway in this
- 9 state."
- 10 2. Renumber remaining sections, correct internal
- 11 references, and correct repealer accordingly.

Senator Robak withdrew her amendment.

Senator D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers offered the following amendment:

FA316

P. 17, line 2, after "to" insert "and being served by"

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 3 nays, 11 present and not voting, and 7 excused and not voting.

Senators Vrtiska, Jones, and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1003. Placed on General File as amended.
(Standing Committee amendment, AM2695, 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 1399. Placed on General File as amended.

Standing Committee amendment to LB 1399:

AM2719

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Teacher Salary Task Force is created.
- 4 The task force shall consist of the members appointed pursuant to

5 section 2 of this act. The task force shall report its findings
6 and recommendations pursuant to section 4 of this act to the Clerk
7 of the Legislature and the Education Committee of the Legislature
8 on or before October 1, 2000.

9 Sec. 2. Members of the Teacher Salary Task Force shall
10 be appointed by the Executive Board of the Legislative Council on
11 or before April 15, 2000, and shall include:

12 (1) The chairperson of the Education Committee of the
13 Legislature;

14 (2) The chairperson of the Appropriations Committee of
15 the Legislature;

16 (3) The chairperson of the Revenue Committee of the
17 Legislature;

18 (4) A representative of a teachers' organization;

19 (5) A representative of an association of school boards;

20 (6) A representative of an association of school
21 administrators;

22 (7) A teacher from a school district which is in the very
23 sparse cost grouping pursuant to section 79-1007.02;

24 (8) A teacher from a school district which is in the
1 sparse cost grouping pursuant to such section;

2 (9) A teacher from a school district with fewer than nine
3 hundred students in the standard cost grouping pursuant to such
4 section;

5 (10) A teacher from a school district with nine hundred
6 or more students in the standard cost grouping pursuant to such
7 section;

8 (11) A representative of the business community who has a
9 background in human resources;

10 (12) A benefits consultant;

11 (13) A representative from a community organization aimed
12 at assisting schools in meeting the national education goals
13 established under the federal Goals 2000: Educate America Act, 20
14 U.S.C. 5801 et seq.;

15 (14) A representative of a Nebraska tax policy research
16 organization; and

17 (15) A representative of the Governor's Policy Research
18 Office.

19 For the teacher members appointed pursuant to
20 subdivisions (7) through (10) of this section, there shall be
21 gender, age, and experience diversity. Members of the task force
22 shall be reimbursed for their actual and necessary expenses
23 incurred in carrying out their duties as members of the task force
24 as provided in sections 81-1174 to 81-1177. The Education
25 Committee of the Legislature, the Legislative Fiscal Analyst, and
26 the State Department of Education shall provide research and
27 administrative support for the task force. For budgetary purposes
1 only, the task force shall be within the Legislative Council.

2 Sec. 3. The chairperson of the Education Committee of

3 the Legislature shall be the chairperson of the Teacher Salary Task
4 Force and shall call the initial and subsequent meetings of the
5 task force. The initial meeting of the task force shall include a
6 presentation from a national expert on paying teachers for what
7 they know and how they perform and shall give an opportunity for
8 task force members to ask the national expert questions about
9 paying teachers for what they know and how they perform.

10 Sec. 4. The Teacher Salary Task Force shall study the
11 following topics and make recommendations for Nebraska policies and
12 potential legislation to the Clerk of the Legislature and the
13 Education Committee of the Legislature:

14 (1) Paying teachers for what they know and how they
15 perform;

16 (2) Creating and funding alternate pay scales for
17 teachers who choose extended contracts;

18 (3) Appropriate compensation levels for attracting and
19 retaining quality teachers;

20 (4) The impact of benefits as a part of total
21 compensation for teachers;

22 (5) Funding methods and sources for any increases in
23 teacher compensation suggested by the task force; and

24 (6) Other topics as determined by the task force.

25 Sec. 5. The Education Committee of the Legislature shall
26 hold at least one public hearing in each congressional district in
27 Nebraska on the recommendations of the Teacher Salary Task Force
1 before December 31, 2000.

2 Sec. 6. The Teacher Salary Task Force terminates on
3 December 31, 2000.

4 Sec. 7. Sections 7 to 14 of this act shall be known and
5 may be cited as the Master Teacher Program Act.

6 Sec. 8. The Master Teacher Program is created. The
7 purpose of the program is to build a group of recognized teachers
8 of high achievement in the teaching profession. The State
9 Department of Education shall administer the program.

10 Sec. 9. For purposes of the Master Teacher Program Act:

11 (1) Credentialing organization means a national nonprofit
12 organization (a) the purpose of which is to establish high and
13 rigorous standards in a broad range of educational areas for what
14 accomplished teachers should know and be able to do and (b) which
15 issues credentials to teachers who demonstrate that they meet those
16 standards; and

17 (2) Teacher means a person who holds a valid certificate
18 to teach in Nebraska issued by the Commissioner of Education, who
19 has been employed as a teacher for at least three years in a public
20 or private school accredited by the State Department of Education,
21 and who continues to be employed as a teacher in such a school.

22 Sec. 10. Each teacher in the Master Teacher Program
23 shall receive an annual salary bonus of seven thousand five hundred
24 dollars. The State Department of Education shall allocate the

25 annual salary bonus to each teacher in the program. Payment of
26 such annual salary bonus shall not exceed the life of the
27 credentials and shall be made only upon approval by the department
1 of an application or upon reapproval each year after receiving the
2 initial salary bonus.

3 Sec. 11. Teachers may achieve master teacher status by
4 earning credentials from a credentialing organization. To be
5 eligible for the Master Teacher Program, a teacher with master
6 teacher status shall apply to the State Department of Education.
7 Sec. 12. The Master Teacher Program Fund is created.
8 The fund shall be administered by the State Department of Education
9 to carry out the purposes of the Master Teacher Program Act. Any
10 money in the fund available for investment shall be invested by the
11 state investment officer pursuant to the Nebraska Capital Expansion
12 Act and the Nebraska State Funds Investment Act.

13 Sec. 13. A teacher who applies to a credentialing
14 organization for credentials required for master teacher status
15 shall be eligible for a registration award to pay for application
16 and registration fees associated with obtaining the credentials.
17 To receive a partial registration award in the amount of one-half
18 of the associated fees, the teacher shall register with the State
19 Department of Education within one year of application to the
20 credentialing organization by submitting any documentation required
21 by rule and regulation. To receive a final registration award in
22 the amount of the remaining fees, the teacher shall notify the
23 department that the teacher received the credentials and shall
24 submit any documentation required by rule and regulation.

25 Sec. 14. The State Board of Education shall adopt and
26 promulgate rules and regulations to carry out the Master Teacher
27 Program Act.

1 Sec. 15. Sections 15 to 23 of this act shall be known
2 and may be cited as the Attracting Excellence to Teaching Program
3 Act.

4 Sec. 16. For purposes of the Attracting Excellence to
5 Teaching Program Act:

6 (1) Department means the State Department of Education;

7 (2) Eligible institution means a not-for-profit college
8 or university which (a) is located in Nebraska, (b) is accredited
9 by the North Central Association of Colleges and Schools, and (c)
10 has a teacher education program accredited by the department;

11 (3) Eligible student means an individual who (a) is a
12 full-time student, (b) is enrolled in an eligible institution in a
13 teacher education program, and (c) if enrolled at a state-funded
14 eligible institution, is a resident student as described in section
15 85-502 or, if enrolled in a privately funded eligible institution,
16 would be deemed a resident student if enrolled in a state-funded
17 eligible institution;

18 (4) Full-time student means, in the aggregate, the
19 equivalent of a student who in a twelve-month period is enrolled in

20 thirty semester credit hours or forty-five quarter credit hours of
 21 classroom, laboratory, clinical, practicum, or independent study
 22 course work; and

23 (5) Teacher education program means a program of study
 24 which results in obtaining a bachelor's degree which meets the
 25 education requirements for certification pursuant to sections
 26 79-806 to 79-816.

27 Sec. 17. The Attracting Excellence to Teaching Program
 1 is created. The purposes of the program are to:

2 (1) Attract outstanding students to the teacher education
 3 programs of Nebraska's postsecondary educational institutions;

4 (2) Retain resident students and graduates as teachers in
 5 the accredited public and private schools of Nebraska; and

6 (3) Establish a loan contract that requires a borrower to
 7 obtain employment as a teacher in this state after graduation.

8 Sec. 18. (1) The State Department of Education shall
 9 administer the Attracting Excellence to Teaching Program either
 10 directly or by contracting with a public or private entity.

11 (2) To be eligible for the program, a student shall:

12 (a) Graduate in the top quarter of his or her high school
 13 class or have a minimum cumulative grade-point average of 3.0 on a
 14 four-point scale in an eligible institution;

15 (b) Agree to complete a teacher education program at an
 16 eligible institution; and

17 (c) Commit to teach and actually teach in an accredited
 18 public or private school in Nebraska upon successful completion of
 19 a teacher education program at an eligible institution and becoming
 20 certified pursuant to sections 79-806 to 79-816.

21 (3) Loans in an amount not more than two thousand five
 22 hundred dollars per year shall be awarded upon application to
 23 eligible students on an annual basis. Priorities for loans shall
 24 be to eligible students who are majoring in subject shortage areas
 25 as defined by the department. Loans awarded to individual students
 26 shall not exceed a cumulative period exceeding five consecutive
 27 years. Loans shall only be awarded through an eligible institution
 1 and funded pursuant to section 19 of this act.

2 Sec. 19. The Attracting Excellence to Teaching Program
 3 Revolving Fund is created. The fund shall consist of
 4 appropriations by the Legislature and loan repayments, penalties,
 5 and interest payments received in the course of administering the
 6 Attracting Excellence to Teaching Program. The department shall
 7 allocate on an annual basis the funds to be distributed for the
 8 program to all eligible institutions according to the distribution
 9 formula as determined by rule and regulation. The eligible
 10 institutions shall act as agents of the department in distribution
 11 of the funds to eligible students. Any money in the fund available
 12 for investment shall be invested by the state investment officer
 13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 14 State Funds Investment Act.

15 Sec. 20. (1) Prior to receiving any money from a loan
16 pursuant to the Attracting Excellence to Teaching Program, an
17 eligible student shall enter into a contract with the department.
18 The contract shall require that if (a) the borrower is not employed
19 as a teacher in Nebraska for a time period equal to the number of
20 years required for loan forgiveness pursuant to subsection (2) of
21 this section and is not enrolled as a full-time student in a
22 graduate program within six months after obtaining an undergraduate
23 degree for which a loan from the program was obtained or (b) the
24 borrower does not complete the requirements for graduation within
25 five consecutive years after receiving the initial loan under the
26 program, the loan must be repaid, with interest at the rate fixed
27 pursuant to section 45-103 accruing as of the date the borrower
1 signed the contract, and an appropriate penalty as determined by
2 the department may be assessed. The State Board of Education may
3 by rules and regulations provide for exceptions to the conditions
4 of repayment pursuant to this subsection based upon mitigating
5 circumstances.

6 (2) If the borrower (a) successfully completes the
7 teacher education program and becomes certified pursuant to
8 sections 79-806 to 79-816, (b) becomes timely employed as a teacher
9 within the state, and (c) otherwise meets the requirements of the
10 contract, payments shall be suspended for the number of years that
11 the borrower is required to remain employed as a teacher in this
12 state under the contract. For each year that the borrower teaches
13 in Nebraska pursuant to the contract, payments shall be forgiven in
14 an amount equal to the amount borrowed for one year, except if the
15 borrower teaches in a school district that is at least partially in
16 a local system classified in the very sparse cost grouping as
17 provided in section 79-1007.02 or teaches in a school district in
18 which at least forty percent of the students qualify for the
19 poverty factor as provided in section 79-1007.01, payments shall be
20 forgiven each year in an amount equal to the amount borrowed for
21 two years.

22 Sec. 21. The department has the administrative
23 responsibility to track borrowers and to develop repayment tracking
24 and collection mechanisms. The department may contract for such
25 services. When a loan has been forgiven pursuant to section 20 of
26 this act, the amount forgiven becomes taxable income to the
27 borrower and the department shall provide notification of the
1 amount forgiven to the borrower, the Department of Revenue, and the
2 United States Internal Revenue Service.

3 Sec. 22. Each eligible institution shall file an annual
4 report with the department containing such information as required
5 by rule and regulation. On or before November 15 of each year, the
6 department shall submit a report to the Education Committee of the
7 Legislature providing, at a minimum, information on an
8 institution-by-institution basis and the status of borrowers. The
9 report shall include a financial statement and a description of the

10 activity of the Attracting Excellence to Teaching Program Revolving
11 Fund.

12 The department shall also provide a report to the
13 Governor and the Clerk of the Legislature by December 31, 2005, on
14 the status of the program, the status of the borrowers, and the
15 impact of the program on the number of teachers in Nebraska.

16 Sec. 23. The State Board of Education shall adopt and
17 promulgate rules and regulations to carry out the Attracting
18 Excellence to Teaching Program Act.

19 Sec. 24. Since an emergency exists, this act takes
20 effect when passed and approved according to law."

(Signed) Ardyce L. Bohlke, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

March 9, 2000

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, 2005.

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: Frank Daley

BILL ON FIRST READING

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

LEGISLATIVE BILL 1222A. 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 1222, Ninety-sixth Legislature, Second Session, 2000.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 1107A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 957A:
AM2718

- 1 1. Insert the following new section:
- 2 "Sec. 2. The receipts for FY2000-01 and FY2001-02
- 3 inuring to the Green Futures Trust Fund are hereby credited to the
- 4 fund, which fund is hereby appropriated for FY2000-01 and
- 5 FY2001-02."
- 6 2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 1243. E & R amendment, AM7209, found on page 811, was adopted.

Senator Thompson renewed her pending amendment, AM2455, found on page 856.

Senators Kristensen, Engel, and Cudaback asked unanimous consent to be excused. No objections. So ordered.

The Thompson amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Bohlke offered the following amendment:
AM2744

(Amendments to E & R amendments, AM7209)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 79-215, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 79-215. (1) Except as otherwise provided in this
- 5 section, a student is a resident of the school district where he or
- 6 she resides and shall be admitted to the school district upon
- 7 request without charge.
- 8 (2) A school board shall admit any homeless student that
- 9 requests admission without charge.
- 10 (3) The school district may allow a student whose
- 11 residency in the district ceases during a school year to continue

12 attending school in such district for the remainder of that school
13 year.

14 (4) A school board or board of education may admit
15 nonresident pupils students to the school district, may determine
16 the rate of tuition of the pupils, pursuant to a contract with the
17 district where the student is a resident and shall collect such
18 tuition pursuant to the contract.

19 (5) A school board may admit nonresident students to the
20 school district pursuant to the enrollment option program as
21 authorized by sections 79-232 to 79-247, and such admission shall
22 be without charge.

23 (6) A school board may admit a student who is a resident
1 of another state to the school district and collect tuition in
2 advance at a rate determined by the school board.

3 (7) in advance except as otherwise provided in this
4 section.

5 (2) When the pupil student as a ward of the state or as a
6 ward of any court (a) has been placed in a school district other
7 than the district in which he or she resided at the time he or she
8 became a ward and such ward does not reside in a foster family home
9 licensed or approved by the Department of Health and Human Services
10 or a foster home maintained or used by the Department of
11 Correctional Services pursuant to section 83-108.04 or (b) has been
12 placed in any institution which maintains a special education
13 program which has been approved by the State Department of
14 Education and such institution is not owned or operated by the
15 pupil's resident school district in which he or she resided at the
16 time he or she became a ward, the cost of his or her education and
17 the required transportation costs associated with the child's
18 student's education shall be paid by the state, but not in advance,
19 to the receiving school district or approved institution under
20 rules and regulations prescribed by the Department of Health and
21 Human Services and the student shall remain a resident of the
22 district in which he or she resided at the time he or she became a
23 ward. Any pupil student who is a ward of the state or a ward of
24 any court who resides in a foster family home licensed or approved
25 by the Department of Health and Human Services or a foster home
26 maintained or used by the Department of Correctional Services
27 pursuant to section 83-108.04 shall be deemed a resident of the
1 district in which the foster family home or foster home is located.

2 (3) (8) When the student is not a ward of the state or a
3 ward of any court and is residing in a residential setting located
4 in Nebraska for reasons other than to receive an education and the
5 residential setting is operated by a service provider which is
6 certified or licensed by the Department of Health and Human
7 Services or is enrolled in the medical assistance program
8 established under sections 68-1018 to 68-1025 and Title XIX or XXI
9 of the federal Social Security Act, as amended, the student shall
10 remain a resident of the district in which he or she resided

11 immediately prior to residing in such residential setting. Upon
12 request by a parent or legal guardian, the resident school district
13 shall contract with the district in which such residential setting
14 is located for the provision of all educational services, including
15 all special education services. If the parent or legal guardian
16 has requested that the resident school district contract with the
17 district in which such residential setting is located, the district
18 in which such residential setting is located shall contract with
19 the resident district and provide all educational services,
20 including all special education services, to the student. If the
21 two districts cannot agree on the amount of the contract, the State
22 Department of Education shall determine the amount to be paid by
23 the resident district to the district in which such residential
24 setting is located based on the needs of the student, approved
25 special education rates, the department's general experience with
26 special education budgets, and the cost per student in the district
27 in which such residential setting is located. Once the contract
1 has been entered into all legal responsibility for special
2 education and related services shall be transferred to the school
3 district in which the residential setting is located. The resident
4 district for a student who is not a ward of the state or a ward of
5 any court does not change when the student moves from one
6 residential setting to another.

7 (9) In the case of any individual eighteen years of age
8 or younger who is a ward of the state or any court and who is
9 placed in a county detention home established under section
10 43-2,110, the cost of his or her education shall be paid by the
11 state, regardless of such individual's district of residency the
12 district in which he or she resided at the time he or she became a
13 ward, to the agency or institution which: (a) Is selected by the
14 county board with jurisdiction over such detention home; (b) has
15 agreed or contracted with such county board to provide educational
16 services; and (c) has been approved by the State Department of
17 Education pursuant to rules and regulations prescribed by the State
18 Board of Education.

19 (4) (10) No tuition shall be charged for children
20 students who may be by law allowed to attend the school without
21 charge.

22 (11) On a form prescribed by the State Department of
23 Education, an adult with legal or actual charge or control of the
24 student shall provide the name of the student, the name of the
25 adult with legal or actual charge or control of the student, the
26 address where the student is residing, and the phone number and
27 address where the adult may generally be reached during the school
1 day. If the student is homeless or if the adult does not have a
2 phone number and address where he or she may generally be reached
3 during the school day, those parts of the form may be left blank
4 and a box may be marked acknowledging that these are the reasons
5 these parts of the form were left blank. The adult with legal or

6 actual charge or control of the student shall also sign the form.
7 (12) The department shall adopt and promulgate rules and
8 regulations to carry out the department's responsibilities under
9 this section. The school district in which the parent or guardian
10 of any nonresident pupil maintains his or her legal residence shall
11 not be liable for the payment of tuition and the children of school
12 age of such parent or guardian shall be entitled to free common
13 school privileges the same as any child who is a bona fide resident
14 of such school district whenever the parent or guardian of such
15 nonresident pupil, having entered the public service of the State
16 of Nebraska, has moved from the school district in which he or she
17 maintains legal residence into another school district for
18 temporary purposes incidental to serving the state, without the
19 intention of making the school district to which the parent or
20 guardian has moved his or her legal residence. No tuition shall be
21 charged for a child whose parents are divorced if such child
22 attends school in a district in which either parent resides. The
23 burden of proof as to legal residence shall rest with the person
24 claiming legal residence in any district. The school district may
25 allow a pupil whose residency in the district ceases during a
26 school year to continue attending school for the remainder of that
27 school year without payment of tuition.

1 (5) The school board or board of education may admit
2 nonresident pupils to the school district without requiring the
3 payment of tuition if such pupils are in the actual physical
4 custody of a resident of the school district and are not residents
5 of an adjoining school district and the board determines that the
6 pupils would otherwise be denied guaranteed free common school
7 privileges.

8 (6) The changes made to this section by Laws 1992, LB 3,
9 Ninety-second Legislature, Third Special Session, shall apply to
10 all reimbursements under this section for school year 1992-93 and
11 all school years thereafter.

12 Sec. 2. Section 79-534, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-534. All Class III school districts shall be under
15 the direction and control of the boards of education elected
16 pursuant to section 32-543. The schools of such school district
17 shall be free to all children who are five through twenty years of
18 age whose parents or guardians are legal residents of such school
19 district and all children of school age, nonresidents of the school
20 district, who are or may be by law allowed to attend the schools
21 without charge.

22 Sec. 3. Section 79-535, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-535. All schools erected or organized within the
25 limits of cities of the metropolitan class shall be under the
26 direction and control of the board of education authorized by
27 section 79-552. Such schools shall be free to all children who are

- 1 five through twenty years of age whose parents or guardians reside
 2 within the limits of the school district and to all children of
 3 school age, nonresidents of the district, who are or may be by law
 4 allowed to attend such school without charge.
 5 Sec. 5. The following section is outright repealed:
 6 Section 79-1123, Reissue Revised Statutes of Nebraska."
 7 2. On page 2, line 1, strike "section" and insert
 8 "sections 79-534 and 79-535, Reissue Revised Statutes of Nebraska,
 9 sections 79-215 and".
 10 3. Renumber the remaining sections accordingly.

The Bohlke amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1243A. Advanced to E & R for engrossment.

WITHDRAW - Cointroducer

Senator Robak withdrew her name as cointroducer to LB 1405.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 1348:

FA314

Amend AM2527

P. 7, line 27, strike "fifty" and insert "twenty-five"

Senator Smith filed the following amendment to LB 659A:

AM2743

- 1 1. Insert the following new sections:
 2 "Sec. 2. There is hereby appropriated (1) \$57,743 from
 3 the Compulsive Gamblers Assistance Fund for FY2000-01 and (2)
 4 \$57,743 from the Compulsive Gamblers Assistance Fund for FY2001-02
 5 to the Department of Health and Human Services, for Program 33, to
 6 aid in carrying out the provisions of Legislative Bill 659,
 7 Ninety-sixth Legislature, Second Session, 2000.
 8 Total expenditures for permanent and temporary salaries
 9 and per diems from funds appropriated in this section shall not
 10 exceed \$34,631 for FY2000-01 or \$36,637 for FY2001-02.
 11 Sec. 3. There is hereby appropriated (1) \$760,257 from
 12 the Compulsive Gamblers Assistance Fund for FY2000-01 and (2)
 13 \$754,257 from the Compulsive Gamblers Assistance Fund for FY2001-02
 14 to the Department of Health and Human Services, for Program 34, to
 15 aid in carrying out the provisions of Legislative Bill 659,
 16 Ninety-sixth Legislature, Second Session, 2000.
 17 No expenditures for permanent and temporary salaries and
 18 per diems for state employees shall be made from funds appropriated

19 in this section."

Senator Beutler filed the following amendment to LB 1107:
AM2726

- 1 1. Insert the following new section:
- 2 "Sec. 4. The State Department of Education shall conduct
- 3 a study of the school systems in the standard cost grouping
- 4 described in section 79-1007.02 and shall recommend to the
- 5 Legislature by December 1, 2001, a detailed plan to reduce the
- 6 total number of school systems in the standard cost grouping to not
- 7 more than one hundred sixty-three school systems by June 1, 2005,
- 8 and shall use in such plan the configurations that best maximize
- 9 educational benefits to the students of the state as a whole. The
- 10 study shall identify to the Legislature the specific systems to be
- 11 merged or unified and shall recite the specific facts considered in
- 12 making each of the recommendations. The State Board of Education
- 13 shall appoint an advisory committee consisting of teachers,
- 14 administrators, school board members, business leaders, and
- 15 community representatives to work with the department in conducting
- 16 the study. Each school district shall provide to the department
- 17 all information requested by the board in a timely fashion."
- 18 2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were Russell Loontjer from Hebron; Nolan Unterseher and Nathan McKenzie from Sutton; and Cheryl and Mark Schlickbernd, Agnes and Dennis Dinslage, and Shirley and Phil Burns from West Point.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.

ADJOURNMENT

At 4:13 p.m., on a motion by Senator Connealy, the Legislature adjourned until 9:00 a.m., Friday, March 10, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 10, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 10, 2000

PRAYER

The prayer was offered by Reverend Chris Lenning, St. Paul's Lutheran Church, Hooper, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Cudaback, Kristensen, Landis, and Schrock who were excused; and Senators Coordsen, Dickey, Kiel, Raikes, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 9, 2000, 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

Keigher, Timothy - Lincoln; Nebraska Petroleum Marketers & Convenience Store Association
Milder, Ally - Omaha; Nebraskans Against Expanded Gambling
Schmit Industries, Incorporated - Lincoln; Nebraska Grain & Feed

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendments to LB 628:

(1)

AM2732

(Amendments to E & R amendments, AM7223)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 84-712.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-712.05. The following records, unless publicly
- 5 disclosed in an open court, open administrative proceeding, or open
- 6 meeting or disclosed by a public entity pursuant to its duties, may
- 7 be withheld from the public by the lawful custodian of the records:
- 8 (1) Personal information in records regarding a student,
- 9 prospective student, or former student of any tax-supported
- 10 educational institution maintaining the records, other than routine
- 11 directory information;
- 12 (2) Medical records, other than records of births and
- 13 deaths and except as provided in subdivision (5) of this section,
- 14 in any form concerning any person, and also records of elections
- 15 filed under section 44-2821;
- 16 (3) Trade secrets, academic and scientific research work
- 17 which is in progress and unpublished, including research reports
- 18 requested by public officials which are in draft form and which
- 19 have not been furnished to the public official for whom the report
- 20 was prepared, and other proprietary or commercial information which
- 21 if released would give advantage to business competitors and serve
- 22 no public purpose;
- 23 (4) Records which represent the work product of an
- 1 attorney and the public body involved which are related to
- 2 preparation for litigation, labor negotiations, or claims made by
- 3 or against the public body or which are confidential communications
- 4 as defined in section 27-503;
- 5 (5) Records developed or received by law enforcement
- 6 agencies and other public bodies charged with duties of
- 7 investigation or examination of persons, institutions, or
- 8 businesses, when the records constitute a part of the examination,
- 9 investigation, intelligence information, citizen complaints or
- 10 inquiries, informant identification, or strategic or tactical
- 11 information used in law enforcement training, except that this
- 12 subdivision shall not apply to records so developed or received
- 13 relating to the presence of and amount or concentration of alcohol
- 14 or drugs in any body fluid of any person;
- 15 (6) Appraisals or appraisal information and negotiation
- 16 records concerning the purchase or sale, by a public body, of any
- 17 interest in real or personal property, prior to completion of the
- 18 purchase or sale;
- 19 (7) Personal information in records regarding personnel
- 20 of public bodies other than salaries and routine directory

21 information;

22 (8) Information solely pertaining to protection of the
23 physical security of public property such as guard schedules; lock
24 combinations; or the security standards, procedures, policies,
25 plans, specifications, diagrams, access lists, and other
26 security-related records of the Lottery Division of the Department
27 of Revenue and those persons or entities with which the division

1 has entered into contractual relationships. Nothing in this
2 subdivision shall allow the division to withhold from the public
3 any information relating to amounts paid persons or entities with
4 which the division has entered into contractual relationships,
5 amounts of prizes paid, the name of the prize winner, and the city,
6 village, or county where the prize winner resides;

7 (9) With respect to public utilities and except as
8 provided in sections 43-512.06 and 70-101, personally identified
9 private citizen account payment information, credit information on
10 others supplied in confidence, and customer lists;

11 (10) Records or portions of records kept by a publicly
12 funded library which, when examined with or without other records,
13 reveal the identity of any library patron using the library's
14 materials or services;

15 (11) Correspondence, memoranda, and records of telephone
16 calls related to the performance of duties by a member of the
17 Legislature in whatever form. The lawful custodian of the
18 correspondence, memoranda, and records of telephone calls, upon
19 approval of the Executive Board of the Legislative Council, shall
20 release the correspondence, memoranda, and records of telephone
21 calls which are not designated as sensitive or confidential in
22 nature to any person performing an audit of the Legislature. A
23 member's correspondence, memoranda, and records of confidential
24 telephone calls related to the performance of his or her
25 legislative duties shall only be released to any other person with
26 the explicit approval of the member;

27 (12) Records or portions of records kept by public bodies
1 which would reveal the location, character, or ownership of any
2 known archaeological, historical, or paleontological site in
3 Nebraska when necessary to protect the site from a reasonably held
4 fear of theft, vandalism, or trespass. This section shall not
5 apply to the release of information for the purpose of scholarly
6 research, examination by other public bodies for the protection of
7 the resource or by recognized tribes, the Unmarked Human Burial
8 Sites and Skeletal Remains Protection Act, or the federal Native
9 American Graves Protection and Repatriation Act;

10 (13) Records or portions of records kept by public bodies
11 which maintain collections of archaeological, historical, or
12 paleontological significance which reveal the names and addresses
13 of donors of such articles of archaeological, historical, or
14 paleontological significance unless the donor approves disclosure,
15 except as the records or portions thereof may be needed to carry

- 16 out the purposes of the Unmarked Human Burial Sites and Skeletal
 17 Remains Protection Act or the federal Native American Graves
 18 Protection and Repatriation Act; and
 19 (14) Job application materials submitted by applicants,
 20 other than finalists, who have applied for employment by any public
 21 body as defined in section 84-1409. For purposes of this
 22 subdivision, job application materials means employment
 23 applications, resumes, reference letters, and school transcripts,
 24 and finalist means any applicant who is offered and who accepts an
 25 interview by a public body or its agents, representatives, or
 26 consultants for any public employment position."
 27 2. On page 6, line 16, strike "and"; and in line 17
 1 after the first comma insert "and 84-712.05,".
 2 3. Renumber the remaining sections accordingly.

(2)

AM2734

(Amendments to E & R amendments, AM7223)

- 1 1. On page 3, line 7, after "a" insert "written".

(3)

AM2735

(Amendments to E & R amendments, AM7223)

- 1 1. On page 3, line 18, after "request" insert "or due to
 2 difficulty requiring legal advice in determining whether a
 3 particular requested document is a public record".

(4)

AM2733

(Amendments to E & R amendments, AM7223)

- 1 1. On page 3, line 21, after "prioritize" insert "the
 2 items within".

RESOLUTION

LEGISLATIVE RESOLUTION 317. Introduced by Kremer, 34.

WHEREAS, the Sandy Creek Lady Cougars girls' basketball team, coached by Russ Ninemire, are the Class C-2 State Girls' Basketball Champions; and

WHEREAS, the Sandy Creek Lady Cougars claimed the state record for a team winning streak with 90 consecutive game wins; and

WHEREAS, the Sandy Creek Lady Cougars claimed a state record with their fifth straight Class C-2 title; and

WHEREAS, it was their tenth consecutive trip to the girls' state tournament.

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

1. That the Legislature extends its congratulations to the Sandy Creek

girls' basketball team and their coach, Russ Ninemire.

2. That a copy of this resolution be sent to Sandy Creek High School.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-672 and 60-688, Reissue Revised Statutes of Nebraska; to change provisions relating to traffic infractions; to redefine a term; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Crosby	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Redfield
Schimiek	Schmitt	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 9:

Coorsden	Cudaback	Dickey	Kiel	Kristensen
Landis	Raikes	Robak	Schrock	

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

LEGISLATIVE BILL 692.

A BILL FOR AN ACT relating to government; to amend sections 2-3328, 2-3331, 14-2145, 14-2146, 23-905, 23-1608, 23-1609, 29-752, 72-417, and 84-304.03, Reissue Revised Statutes of Nebraska, and section 49-617, Revised Statutes Supplement, 1999; to change and eliminate powers and duties of the Auditor of Public Accounts; to provide, change, and eliminate powers and duties relating to audits and audit reports; to change provisions relating to distribution of statute books and standards for auditors; to

harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3329, 23-1610, 23-1613, 23-1614, and 84-301, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Cudaback	Kiel	Kristensen	Landis	Robak
Schrock				

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

LEGISLATIVE BILL 1258. With Emergency.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2717, Reissue Revised Statutes of Nebraska; to change a funding limitation; 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, 43:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt

Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Cudaback	Kiel	Kristensen	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.

WITHDRAW - Amendment to LB 438

Senator Redfield withdrew her amendment, AM2452, found on page 746, to LB 438.

MOTION - Return LB 438 to Select File

Senator Redfield moved to return LB 438 to Select File for her specific amendment, AM2490, found on page 760.

The Redfield motion to return prevailed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 438. The Redfield specific amendment, AM2490, found on page 760, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 930. E & R amendment, AM7211, found on page 888, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 944. Advanced to E & R for engrossment.

LEGISLATIVE BILL 960. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1317. E & R amendment, AM7212, found on page 912, was adopted.

Senator Beutler offered the following amendment:
AM2757

(Amendments to AM2481)

- 1 1. Strike section 6.

- 2 2. On page 34, line 20, after "functions" insert "except
- 3 functions which may involve bulk distributions for surveys,
- 4 marketing, or exhibitions".
- 5 3. On page 36, line 18, strike "60-483,".
- 6 4. Renumber the remaining sections and correct internal
- 7 references accordingly.

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1401. E & R amendment, AM7220, printed separately and referred to on page 912, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1401A. 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.

SELECT FILE

LEGISLATIVE BILL 1192. E & R amendment, AM7213, printed separately and referred to on page 888, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM7218, printed separately and referred to on page 913, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 957. E & R amendment, AM7205, found on page 782, was adopted.

Senator Preister withdrew the Landis amendment, AM2639, found on page 906.

Senator Dierks renewed his pending amendment, AM2676, found on page 930.

The Dierks amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Preister offered the following Landis amendment:
AM2748

1 1. Insert the following new sections:
 2 "Sec. 7. Section 81-15,167, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-15,167. Sections 81-15,167 to 81-15,176 and section
 5 11 of this act shall be known and may be cited as the Nebraska
 6 Environmental Trust Act.
 7 Sec. 8. Section 81-15,169, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 81-15,169. For purposes of the Nebraska Environmental
 10 Trust Act:
 11 (1) Board ~~shall mean~~ means the Nebraska Environmental
 12 Trust Board; and
 13 (2) ~~Fund shall mean~~ the Nebraska Environmental Trust
 14 Fund; and
 15 (3) ~~Trust shall mean~~ means the Nebraska Environmental
 16 Trust.
 17 Sec. 9. Section 81-15,173, Reissue Revised Statutes of
 18 Nebraska, is amended to read:
 19 81-15,173. The board shall have and may exercise the
 20 following powers and duties:
 21 (1) Adopt bylaws to govern the proceedings of the board;
 22 (2) Keep records, conduct hearings, and adopt and
 23 promulgate rules and regulations to carry out its duties and
 24 implement the Nebraska Environmental Trust Act;
 1 (3) Contract with the Game and Parks Commission for
 2 administrative support and with governmental agencies for technical
 3 assistance;
 4 (4) Establish environmental priorities for use of the
 5 ~~trust funds~~;
 6 (5) Establish ad hoc advisory boards and subcommittees;
 7 (6) Sponsor or assist environmental proposals pertaining
 8 to the environmental priorities of the board, including issuing
 9 grants to agencies, organizations, and persons engaged in the
 10 purposes of the trust;
 11 (7) Cooperate with or assist any unit of the state, any
 12 political subdivision, or any private, public, or federal agency,
 13 foundation, or person in furtherance of the purposes of the trust;
 14 and
 15 (8) Acquire and dispose of personal property in
 16 furtherance of the purposes of the trust; and
 17 (9) Apply for or accept any monetary gift, grant,
 18 bequest, royalty, or donation, designate the fund to which it will
 19 be credited, and expend the proceeds in furtherance of the purposes
 20 of the trust, and use it for the general purposes of the trust.
 21 Sec. 10. Section 81-15,174, Reissue Revised Statutes of
 22 Nebraska, is amended to read:
 23 81-15,174. There is hereby established the Nebraska
 24 Environmental Trust Fund which shall be a cash fund. The fund
 25 shall be used to carry out the purposes of the Nebraska

26 Environmental Trust Act, including administrative costs. Money in
27 the fund shall include proceeds credited pursuant to section 9-812
1 and any monetary gifts, grants, or donations proceeds designated by
2 the board pursuant to section 81-15,173. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 Sec. 11. The Nebraska Environmental Endowment Fund is
7 created. The fund shall be used to carry out the purposes of the
8 Nebraska Environmental Trust Act. The fund shall include proceeds
9 designated by the board pursuant to section 81-15,173, including
10 grants from the Nebraska Environmental Trust Fund. Grants from the
11 Nebraska Environmental Trust Fund to the Nebraska Environmental
12 Endowment Fund shall be no more than twice the total of any other
13 proceeds received by the Nebraska Environmental Endowment Fund for
14 the same year. Such grants, considered in the aggregate, shall in
15 no case exceed fifty percent of the total proceeds credited to the
16 Nebraska Environmental Trust Fund pursuant to section 9-812 for
17 that year.

18 Any money in the fund available for investment shall be
19 invested by the state investment officer pursuant to the Nebraska
20 Capital Expansion Act and the Nebraska State Funds Investment Act.
21 Allocations received by the Nebraska Environmental
22 Endowment Fund from the Nebraska Environmental Trust Fund shall not
23 be reallocated by the board, but shall remain invested. Any
24 interest income earned by the Nebraska Environmental Endowment Fund
25 shall be available for allocation by the board as provided in
26 section 81-15,175.

27 Sec. 12. Section 81-15,175, Reissue Revised Statutes of
1 Nebraska, is amended to read:
2 81-15,175. (1) The board may make an annual allocation
3 from the Nebraska Environmental Trust Fund to the Nebraska
4 Environmental Endowment Fund as provided in section 11 of this act.
5 The board shall make annual allocations from the ~~fund~~ Nebraska
6 Environmental Trust Fund and from the Nebraska Environmental
7 Endowment Fund for projects which conform to the environmental
8 priorities of the board established pursuant to section 81-15,176
9 and to the extent the board determines those projects to have
10 merit. The board shall establish an annual calendar for receiving
11 and evaluating proposals and awarding grants. To evaluate the
12 economic, financial, and technical feasibility of proposals, the
13 board may establish subcommittees, request or contract for
14 assistance, or establish advisory groups. Private citizens serving
15 on advisory groups shall be reimbursed for their actual and
16 necessary expenses pursuant to sections 81-1174 to 81-1177.

17 (2) The board shall establish a rating system for ranking
18 proposals which meet the board's environmental priorities and other
19 criteria. The rating system shall include, but not be limited to,
20 the following considerations:

- 21 (a) Conformance with priorities established pursuant to
 22 section 81-15,176;
- 23 (b) Amount of funds committed from other funding sources;
- 24 (c) Encouragement of public-private partnerships;
- 25 (d) Geographic mix of projects over time;
- 26 (e) Cost-effectiveness and economic impact;
- 27 (f) Direct environmental impact; and
- 1 (g) Environmental benefit to the general public and the
 2 long-term nature of such public benefit.
- 3 (3) The results of the annual rating of proposals shall
 4 guide the board's allocation of funds, except that the board may
 5 assign a higher rating to any proposal with an affirmative vote of
 6 eleven members. The motion for such an action shall specify the
 7 reasons for such action. The board may commit funds to multiyear
 8 projects, subject to available funds and appropriations. No
 9 commitment shall exceed three years without formal action by the
 10 board to renew the grant or contract. Multiyear commitments may be
 11 exempt from the rating process, except for the initial application
 12 and requests to renew the commitment.
- 13 (4) The board shall adopt and promulgate rules and
 14 regulations and publish guidelines governing allocations from the
 15 fund. The board shall conduct annual reviews of existing projects
 16 for compliance with project goals and grant requirements.
- 17 Sec. 13. Section 81-15,176, Reissue Revised Statutes of
 18 Nebraska, is amended to read:
- 19 81-15,176. (1) Subject to subsection (3) of this
 20 section, the board shall establish environmental priorities for the
 21 trust. The board, after allowing opportunity for public comment,
 22 shall designate as priorities those environmental goals which most
 23 affect the natural physical and biological environment in Nebraska,
 24 including the air, land, ground water and surface water, flora and
 25 fauna, prairies and forests, wildlife and wildlife habitat, and
 26 areas of aesthetic or scenic values. In designating environmental
 27 priorities, the board shall attempt to focus on the areas which
 1 promise the greatest opportunities for effective action to achieve
 2 and preserve the future environmental quality in the state. The
 3 board shall establish priorities for five-year periods beginning
 4 July 1, 1995, except that the board may make annual modifications
 5 to refine and clarify its priorities. The board shall provide for
 6 public involvement in developing the priorities for such five-year
 7 periods, including public meetings in each of the three
 8 congressional districts.
- 9 (2) The board shall establish criteria for determining
 10 the eligibility of projects for grant assistance, ~~from the fund~~;
 11 which criteria shall include the following:
- 12 (a) The ~~fund~~ grants shall not provide direct assistance
 13 to regulatory programs or to implement actions mandated by
 14 regulations except remediation;
- 15 (b) ~~Before January 1, 1997, no more than twenty-five~~

16 percent of allocations in any year shall assist remediation of
 17 soils or ground water, and no allocation for this purpose shall
 18 occur unless all other available sources of funding are, in the
 19 opinion of the board, being substantially utilized. On and after
 20 January 1, 1997, no ~~No~~ more than sixty percent of grant allocations
 21 in any year shall assist remediation of soils or ground water, and
 22 no ~~allocation grants~~ for this purpose shall occur unless all other
 23 available sources of funding are, in the opinion of the board,
 24 being substantially utilized;

25 (c) The ~~fund grants~~ shall not pay for private benefits or
 26 to relieve private liability for environmental damage;

27 (d) The ~~fund grants~~ shall not pay for projects which have
 1 direct beneficiaries who could afford the costs of the benefits
 2 without experiencing serious financial hardship;

3 (e) The ~~fund grants~~ should assist those projects which
 4 offer the greatest environmental benefits relative to cost;

5 (f) The ~~fund grants~~ should assist those projects which
 6 provide clear and direct environmental benefits;

7 (g) The ~~fund grants~~ should assist those projects which
 8 will make a real contribution to achieving the board's
 9 environmental priorities;

10 (h) The ~~fund grants~~ should assist those projects which
 11 offer the greatest public benefits; and

12 (i) The ~~fund grants~~ shall not pay for land or easements
 13 acquired without the full and express consent of the landowner.

14 (3) Until the first five-year priorities become effective
 15 on July 1, 1995, the board shall observe the following priorities
 16 for allocating ~~funds grants~~:

17 (a) Critical habitat areas, including wetlands
 18 acquisition, preservation, and restoration and acquisition and
 19 easements of areas critical to rare or endangered species;

20 (b) Surface water quality, including actions to preserve
 21 lakes and streams from degradation;

22 (c) Ground water quality, including fostering best
 23 management practices as defined in section 46-656.07, actions to
 24 preserve ground water from degradation, and remediation of soils or
 25 ground water; and

26 (d) Development of recycling markets and reduction of
 27 solid waste volume and toxicity.

1 (4) The board may refine and clarify these initial
 2 priorities.

3 Sec. 14. Original sections 81-15,167, 81-15,169,
 4 81-15,173, 81-15,174, 81-15,175, and 81-15,176, Reissue Revised
 5 Statutes of Nebraska, are repealed."

6 2. Insert underscoring in original sections 1 to 6.

7 3. Renumber the remaining section accordingly.

The Landis amendment was adopted with 29 ayes, 0 nays, 15 present and
 not voting, and 5 excused and not voting.

Senator Dierks offered the following amendment:

FA317

Amend AM2676

On page 1, lines 16 & 17, strike "Natural Resources Commission" and insert "Director of Natural Resources"

The Dierks amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 957A. The Landis amendment, AM2718, found on page 994, was withdrawn.

Senator Dierks offered the following amendment:

AM2730

- 1 1. On page 2, line 2, after "and" insert "an estimated";
- 2 and after line 7 insert:
- 3 "It is the intent of the Legislature that the agency
- 4 shall expend the Carbon Sequestration Assessment Cash Fund prior to
- 5 expending General Funds."

The Dierks amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SENATOR JANSSEN PRESIDING

Senator Dierks offered the following amendment:

AM2728

- 1 1. On page 2, line 4, strike "Nebraska" and insert
- 2 "Department of"; and in line 5 strike "Commission".

The Dierks amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Preister offered the following Landis amendment:

AM2754

- 1 1. Insert the following new section:
- 2 "Sec. 2. The receipts for FY2000-01 and FY2001-02
- 3 inuring to the Nebraska Environmental Endowment Fund are hereby
- 4 credited to the fund, which fund is hereby appropriated for
- 5 FY2000-01 and FY2001-02."
- 6 2. Renumber the remaining section accordingly.

The Landis amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1135. E & R amendment, AM7206, printed separately and referred to on page 782, was adopted.

Senator Brown renewed her pending amendment, AM2585, found on page 900.

The Brown amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Smith renewed the Landis pending amendment, AM2619, found on page 905.

Senator Wickersham renewed his pending amendment, AM2694, found on page 944, to the Landis pending amendment.

Senator Wickersham withdrew his amendment.

Senator Smith withdrew the Landis amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 953. E & R amendment, AM7219, found on page 913, was adopted.

Senator Hilgert renewed his pending amendment, AM2674, printed separately and referred to on page 973.

The Hilgert amendment lost with 12 ayes, 3 nays, 30 present and not voting, and 4 excused and not voting.

Senator Matzke moved to indefinitely postpone LB 953.

Laid over.

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 1234:
AM2772

(Amendments to Standing Committee amendments, AM2553)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:
- 3 "1. Strike the original sections and insert the
- 4 following new sections:
- 5 'Section 1. (1) For calendar year 2001, all sales of
- 6 motor vehicle fuel with an alcohol blend by a retailer in Nebraska
- 7 shall equal at least twenty-five percent of such retailer's total
- 8 sales of motor vehicle fuel reported for sales in calendar year
- 9 2001. For calendar year 2002, all sales of motor vehicle fuel with
- 10 an alcohol blend by a retailer in Nebraska shall equal at least

11 thirty-five percent of such retailer's total sales of motor vehicle
 12 fuel reported for sales in calendar year 2002. For calendar year
 13 2003 and each calendar year thereafter, all sales of motor vehicle
 14 fuel with an alcohol blend by a retailer in Nebraska shall equal at
 15 least fifty percent of such retailer's total sales of motor vehicle
 16 fuel reported for sales in the calendar year in which the fuel is
 17 sold.

18 (2) The Department of Revenue shall monitor on a monthly
 19 basis the total sales of motor vehicle fuel sold per retailer and
 20 the total sales of motor vehicle fuel with an alcohol blend sold
 21 per retailer. Each calendar year, the department shall determine
 22 for each retailer the percentage of total sales of motor vehicle
 23 fuel with an alcohol blend in relation to such retailer's total
 1 sales of motor vehicle fuel. On or before December 1 of each year,
 2 the department shall issue a report to the Legislature regarding
 3 the information gathered pursuant to this section.

4 (3) For purposes of this section, alcohol blend has the
 5 same meaning as defined in section 66-482.

6 Sec. 2. The Attorney General shall enforce section 1 of
 7 this act and may:

8 (1) Subpoena witnesses, compel their attendance, examine
 9 them under oath, and require the production of documents, records,
 10 or tangible things deemed relevant to the proper performance of his
 11 or her duties. Service of any subpoena shall be made in the manner
 12 prescribed by the rules of civil procedure;

13 (2) Bring suit to enjoin a violation or threatened
 14 violation of section 1 of this act. Venue for such action shall be
 15 in the county in which the alleged violation occurred, is
 16 occurring, or is threatening to occur, or in Lancaster County; and

17 (3) Impose or levy an administrative fine of not more
 18 than five thousand dollars on any person who has violated section 1
 19 of this act. Any separate activity or day in which an activity
 20 takes place shall be considered to be a separate violation.

21 Sec. 3. This act becomes operative on January 1,
 22 2001.'."

Senators Bromm, Hilgert, Chambers, and Engel filed the following
 amendment to LB 1004:
 AM2740

(Amendments to AM2582)

1 1. On page 7, line 14; and page 17, line 7, after
 2 "state" insert: "In any case charging a violation under this
 3 section, the prosecutor or investigating agency shall use due
 4 diligence to obtain the defendant's driving record from the
 5 Department of Motor Vehicles and the defendant's driving record
 6 from other states where he or she is known to have resided within
 7 the last twelve years. The prosecutor shall certify to the court,
 8 prior to sentencing, that such action has been taken.".

RESOLUTION**LEGISLATIVE RESOLUTION 318.** Introduced by Stuhr, 24.

WHEREAS, the McCool Junction High School girls' basketball team won the Class D-2 Girls' State High School Basketball Tournament with a 52-30 victory over Newcastle; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the McCool Junction High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coaches Jason Arbuck and Vance Springer of the Lady Mustangs and McCool Junction High School.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 414A. 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 414, Ninety-sixth Legislature, Second Session, 2000.

COMMUNICATION

March 10, 2000

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 510, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

SELECT FILE

LEGISLATIVE BILL 1107. E & R amendment, AM7214, found on page 888, was adopted.

Senator D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Wickersham renewed his pending amendment, AM2717, found on page 957.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Beutler withdrew his amendment, AM2726, found on page 999.

Senator Raikes offered the following amendment:
AM2766

- 1 1. On page 7, line 10, strike "forty-five" and insert
- 2 "forty-seven".

Pending.

STANDING COMMITTEE REPORTS**Agriculture**

LEGISLATIVE BILL 1432. Placed on General File as amended.

Standing Committee amendment to LB 1432:

AM2713

- 1 1. Insert the following new sections:
- 2 "Sec. 3. For purposes of the Agricultural Suppliers
- 3 Lease Protection Act:
- 4 (1) Agricultural tenant means any public warehouse
- 5 licensee as defined in section 88-526 or any other persons
- 6 primarily engaged in the sale or distribution of fertilizer,
- 7 agricultural chemicals, or other products used or useful in the
- 8 production of agricultural crops and livestock occupying railroad
- 9 land owned or controlled by a railroad or its successor in
- 10 interest;
- 11 (2) Good faith means honesty in fact in the conduct of
- 12 the transaction concerned;
- 13 (3) Lease means any agreement between a railroad and a
- 14 tenant under the terms of which a tenant occupies the surface of
- 15 railroad land;
- 16 (4) Railroad land means any land acquired by a railroad
- 17 in strips for right-of-way and any parcel or tract acquired by a
- 18 railroad adjacent to its right-of-way to aid in the construction,
- 19 maintenance, and accommodation of its railway and which is occupied
- 20 pursuant to a lease by a tenant who owns improvements thereon; and

- 21 (5) Successor in interest includes any agent, successor,
22 assignee, trustee, receiver, or other person acquiring interests or
23 rights in railroad land, including, but not limited to, the owner
24 or holder of any servient estate or right of reversion relating to
1 railroad land.
- 2 Sec. 6. The Agricultural Suppliers Lease Protection Act
3 shall not apply to any valid lease entered into prior to the
4 effective date of this act or any renewal or extension thereof on
5 the same terms and conditions, but the provisions of the act shall
6 apply to and govern any renewal or extension of such lease on any
7 different terms or conditions or any material modifications of any
8 such lease effected on or after the effective date of this act."
- 9 2. On page 2, line 21, strike "(a)" and after
10 "regarding" insert "application and reasonableness of"; strike
11 beginning with the last "a" in line 24 through "on" in line 25 and
12 insert "railroad"; and strike line 28.
- 13 3. On page 3, strike lines 1 through 6; in line 9 strike
14 "negotiation is requested in writing" and insert "notification is
15 given to an agricultural tenant by a railroad or its successor in
16 interest that it wishes to (a) renew a lease upon new terms, (b)
17 terminate a lease, (c) not renew a lease upon the expiration of a
18 current lease, or (d) change the terms of an existing lease"; after
19 line 19 insert the following new subsection:
20 "(4) All costs incurred by the department investigating
21 and determining all matters in controversy pursuant to subsection
22 (3) of this section shall be paid equally by the parties."; and
23 strike beginning with "(1)" in line 20 through line 28 and insert
24 "(1) At the expiration of an existing lease, the
25 agricultural tenant shall be given the opportunity to renew the
26 lease at fair market value. Controversies regarding what
27 constitutes fair market value shall be governed by section 4 of
1 this act. If the agricultural tenant agrees to renew the lease at
2 fair market value, the lease shall be given to the agricultural
3 tenant. When a person other than the current leaseholder becomes
4 the lessee of a leasehold site described in subdivision (1) of
5 section 4 of this act or the lease is terminated by the lessor for
6 reasons other than nonpayment or other material breach of the
7 lease, the lessor or new lessee shall compensate the former
8 leaseholder for the fair market value of improvements made by the
9 former leaseholder. The lessor or new lessee shall not be required
10 to compensate the former leaseholder for the fair market value of
11 improvements made by the former leaseholder if the former
12 leaseholder elects not to renew the lease at fair market value."
- 13 4. On page 4, strike lines 1 and 2.
- 14 5. Renumber the remaining sections and correct internal
15 references accordingly.

LEGISLATIVE BILL 842. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 973:
AM2770

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 53-1,104, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 53-1,104. (1) Any licensee which sells or permits the
- 5 sale of any alcoholic liquor not authorized under the terms of such
- 6 license on the licensed premises or in connection with such
- 7 licensee's business or otherwise shall be subject to suspension,
- 8 cancellation, or revocation of such license by the commission.
- 9 (2) When an order suspending a retail license to sell
- 10 alcoholic liquor becomes final, the licensee may elect to pay a
- 11 cash penalty to the commission in lieu of suspending sales of
- 12 alcoholic liquor for the designated period if such election is not
- 13 prohibited by order of the commission. ~~For~~ Except as otherwise
- 14 provided in subsection (3) of this section, for the first such
- 15 suspension for any licensee, the penalty shall be fifty dollars per
- 16 day, ~~and for~~ ~~For~~ a second or any subsequent suspension, the
- 17 penalty shall be one hundred dollars per day, ~~except that:~~
- 18 (3)(a) For a second suspension for violation of section
- 19 53-180 or 53-180.02 occurring within four years after the date of
- 20 the first suspension, the commission, in its discretion, may order
- 21 that the licensee be required to suspend sales of alcoholic liquor
- 22 for a period of time not to exceed forty-eight hours and that the
- 23 licensee may not elect to pay a cash penalty. The commission may
- 24 use the required suspension of sales of alcoholic liquor penalty
- 1 either alone or in conjunction with suspension periods for which
- 2 the licensee may elect to pay a cash penalty. For purposes of this
- 3 subsection, second suspension for violation of section 53-180 shall
- 4 include suspension for a violation of section 53-180.02 following
- 5 suspension for a violation of section 53-180 and second suspension
- 6 for violation of section 53-180.02 shall include suspension for a
- 7 violation of section 53-180 following suspension for a violation of
- 8 section 53-180.02; ~~and~~
- 9 (b) For a third or subsequent suspension for violation of
- 10 section 53-180 or 53-180.02 occurring within four years after the
- 11 date of the first suspension, the commission, in its discretion,
- 12 may order that the licensee be required to suspend sales of
- 13 alcoholic liquor for a period of time not to exceed fifteen days
- 14 and that the licensee may not elect to pay a cash penalty. The
- 15 commission may use the required suspension of sales of alcoholic
- 16 liquor penalty either alone or in conjunction with suspension
- 17 periods for which the licensee may elect to pay a cash penalty.
- 18 For purposes of this subsection, third or subsequent suspension for
- 19 violation of section 53-180 shall include suspension for a

20 violation of section 53-180.02 following suspension for a violation
 21 of section 53-180 and third or subsequent suspension for violation
 22 of section 53-180.02 shall include suspension for a violation of
 23 section 53-180 following suspension for a violation of section
 24 53-180.02; and

25 (c) For a first suspension based upon a finding that a
 26 licensee or an employee or agent of the licensee has been convicted
 27 of possession of a gambling device on a licensee's premises in
 1 violation of sections 28-1107 to 28-1111, the commission, in its
 2 discretion, may order that the licensee be required to suspend
 3 sales of alcoholic liquor for thirty days and that the licensee may
 4 not elect to pay a cash penalty. For a second or subsequent
 5 suspension for such a violation of sections 28-1107 to 28-1111
 6 occurring within four years after the date of the first suspension,
 7 the commission shall order that the license be canceled.

8 (4) For any licensee which has no violation for a period
 9 of four years consecutively, any suspension shall be treated as a
 10 new first suspension.

11 (5) The election provided for in this subsection (2) of
 12 this section shall be filed with the commission in writing one week
 13 before the suspension is ordered to commence and shall be
 14 accompanied by payment in full of the sum required by this section.
 15 If such election has not been received by the commission by the
 16 close of business one week before the day such suspension is
 17 ordered to commence, it shall be conclusively presumed that the
 18 licensee has elected to close for the period of the suspension and
 19 any election received later shall be absolutely void and the
 20 payment made shall be returned to the licensee. The election shall
 21 be made on a form prescribed by the commission. All funds received
 22 under this section shall be remitted to the State Treasurer for
 23 credit to the temporary school fund."

24 2. On page 2, line 10, strike "is" and insert "and
 25 section 53-1,104, Revised Statutes Supplement, 1999, are".
 26 3. Renumber the remaining section accordingly.

Senator Connealy filed the following amendment to LB 1234:
 AM2762

(Amendments to Standing Committee amendments, AM2553)

1 1. Strike amendment 1 and all amendments thereto and
 2 insert the following amendment:
 3 "1. Strike the original sections and insert the
 4 following new sections:
 5 'Section 1. It is hereby declared to be the public
 6 policy of the state that, in order to safeguard life, health,
 7 property, and public welfare of its citizens, the production, sale,
 8 and use of motor fuel and the pollution caused by certain
 9 components of motor fuel are matters affecting the public interest
 10 and that a statewide emphasis on the production and use of motor
 11 fuel containing renewable fuel content is necessary for the

12 reduction of pollution and will further serve as an incentive for
13 the agricultural economy. The Legislature especially recognizes
14 that renewable fuel and the development of an additional source of
15 fuel will help meet the energy requirements necessary to safeguard
16 life, health, property, and public welfare of our citizens.

17 Sec. 2. (1) Each retailer of motor fuel shall offer for
18 sale, at the lowest octane rating sold by the retailer at that
19 location, motor fuel which contains a renewable fuel content equal
20 to or greater than three and one-half percent weight oxygen.

21 (2) Nothing in this act shall be construed to impair the
22 obligation of any contract as prohibited by Article I, section 16,
23 of the Constitution of Nebraska or to preclude the retailer of
1 motor fuel from offering any fuel without renewable fuel content
2 which is equal to or greater than the lowest octane rating which
3 contains a renewable fuel content of at least three and one-half
4 percent weight oxygen.

5 (3) For purposes of this section:

6 (a) Renewable fuel means fuel made from renewable sources
7 such as ethanol produced from corn, sorghum, and biomass, but does
8 not include methyl tertiary-butyl ether (MTBE); and
9 (b) Retailer of motor fuel has the same meaning as the
10 definition of retailer in section 66-482.

11 Sec. 3. The Department of Revenue shall monitor and
12 maintain a record of wholesale terminal prices of gasoline offered
13 for sale, sold, or dispensed pursuant to section 2 of this act. On
14 or before December 1, 2001, and each year thereafter, the
15 Department of Revenue shall issue a report to the Legislature
16 regarding its duties pursuant to this section.

17 Sec. 4. This act becomes operative on October 1, 2000.

18 Sec. 5. The following section is outright repealed:
19 Section 66-1225, Reissue Revised Statutes of Nebraska.'".

Senators Schimek, Suttle, Thompson, and Bohlke filed the following
amendment to LB 1399:

AM2777

(Amendments to Standing Committee amendments, AM2719)

1 1. Insert the following new section:
2 "Sec. 24. The Nebraska Volunteer Services Commission
3 shall submit a program proposal to the Corporation for National
4 Service to obtain funding for educational awards. The awards shall
5 be used by the commission to (1) provide incentives for new college
6 graduates to establish their teaching careers in Nebraska, and (2)
7 provide incentives for experienced Nebraska teachers to pursue
8 graduate degrees. It is the intent of the Legislature that the
9 Department of Health and Human Services shall provide state funding
10 to the Nebraska Volunteer Services Commission to create a program
11 officer position for the Teacher Corps AmeriCorps Education Award
12 Program if the Corporation for National Service Commits to funding
13 such program in Nebraska. State funding provided by the Department

- 14 of Health and Human Services shall be used by the Nebraska
 15 Volunteer Services Commission to create a program officer position
 16 to meet the required monitoring and compliance responsibilities of
 17 the program."
 18 2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Vrtiska, 1.

WHEREAS, the Nemaha Valley High School Academic Decathlon Team won the 2000 Academic Decathlon State Championship (Small Schools Division) for the second consecutive year; and

WHEREAS, each of the 12 students on the Nemaha Valley High School Academic Decathlon Team won at least one medal in the competition and many won more than one medal; and

WHEREAS, the members of the Nemaha Valley High School Academic Decathlon Team are:

Honors Division: Katie Antholz, Erin Ebeler, Holly Morris, and alternate Mike Costello;

Scholastic Division: Ann Moles, Clayton Harris, April Duncza, and alternates Melinda Kreifels and Emily Bebout; and

Varsity Division: Gabe Scheer, Tyler Harris, and Tyler Niedermeyer; and

WHEREAS, the members of the Nemaha Valley High School Academic Decathlon Team put in many hours of hard work in preparation for the 2000 championship competition.

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

1. That the Legislature congratulates the members of the Nemaha Valley High School Academic Decathlon Team, their parents, and their coaches.
2. That a copy of this resolution be sent to Nemaha Valley High School.

Laid over.

WITHDRAW - Cointroducer

Senator Robak withdrew her name as cointroducer to LB 1234.

VISITORS

Visitors to the Chamber were 12 eighth grade students and teachers from Omaha Christian Academy, Omaha; 12 students, teacher, and superintendent from Nemaha Valley School District, Cook; Bill, Deb, Jessica, and Pacia Dickey from Wayne; Jane, Ken, Lee, and Jack Christoffersen from Littleton, Colorado, Alex, Jered, and Sloan Matzke from Seward, and Julie Christoffersen and Sky Stinson from Milford; Virgil, Mary, Sheila, Travis, Cory, Ross, and Connie Preister from Lindsay; 9 members and sponsor of "Youth Monitoring Group," Nebraska Pork Producers; Senator D. Pederson's son, grandsons, and granddaughter, Dave,

Matt, Tim, and Lara Pederson, Mindy Guenin, and Ben Fehrman; and 112 fourth grade students and teachers from Fontenelle Elementary School, Omaha.

The Doctor of the Day was Dr. Jay Matzke from Seward.

ADJOURNMENT

At 1:02 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Monday, March 13, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 13, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 2000

PRAYER

The prayer was offered by Reverend Robert Rademacher, Lutheran Parish Immanuel of Orum and Emmaus, Kennard, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Vrtiska who was excused; and Senators Bohlke, Bromm, Engel, Hartnett, Kiel, Kristensen, Landis, Lynch, Robak, and Schmitt who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 936. Placed on General File as amended.
(Standing Committee amendment, AM2736, 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 1223. Placed on General File as amended.
(Standing Committee amendment, AM2760, 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 1255. Placed on General File as amended.
Standing Committee amendment to LB 1255:
AM2758

1 1. On page 4, line 5, before "Any" insert "(1)"; in line
 2 8 strike "The" and insert "Except as provided in subsection (2) of
 3 this section, the"; in line 15 after "that" insert "(a)"; and in
 4 line 17 after "percent" insert "and (b) the municipality shall not
 5 be required to pay the municipal county for fire protection or
 6 ambulance services.

7 (2) The amount paid by a municipality that is within the
 8 boundaries of a municipal county but is not merged into the
 9 municipal county for law enforcement shall be as follows: (a) If
 10 the municipal county did not provide law enforcement services prior
 11 to the formation of the municipal county or if the municipality
 12 continues its own law enforcement services after formation of the
 13 municipal county, the total cost of services budgeted by the
 14 municipal county for law enforcement shall be reduced by one-half
 15 for purposes of the calculation required in subsection (1) of this
 16 section; and (b) if the municipality discontinues providing law
 17 enforcement services after the formation of the municipal county
 18 (i) the municipal county shall provide a level of service in such
 19 municipality that is equal to the level provided in the area or
 20 areas of the municipal county that were municipalities prior to the
 21 formation of the municipal county and (ii) the municipality shall
 22 pay the municipal county for the cost of county services for law
 23 enforcement as calculated in subsection (1) of this section, except
 24 that for the first five years, the amount shall be no more than the
 1 amount budgeted by the municipality for law enforcement services in
 2 the last year the municipality provided the services for itself."

LEGISLATIVE BILL 1330. Placed on General File as amended.

Standing Committee amendment to LB 1330:

AM2759

1 1. On page 2, line 4, strike "January" and insert
 2 "July".

(Signed) William R. Wickersham, Chairperson

SELECT FILE

LEGISLATIVE BILL 1107. The Raikes pending amendment, AM2766,
 found on page 1017, was renewed.

Senator Wickersham offered the following amendment to the Raikes
 pending amendment:

FA318

Amend AM2766

Line 2, strike forty seven and insert forty six

Senator Wickersham moved for a call of the house. The motion prevailed
 with 27 ayes, 0 nays, and 22 not voting.

Senator Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Baker	Bohlke	Bromm	Byars	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hudkins	Janssen	Jones	Kremer	Lynch
Matzke	Price	Raikes	Schmitt	Schrock
Smith	Stuhr	Wehrbein	Wickersham	

Voting in the negative, 18:

Aguilar	Beutler	Bourne	Brown	Bruning
Chambers	Hilgert	Jensen	Kiel	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Redfield	Schimek
Suttle	Thompson	Tyson		

Present and not voting, 2:

Crosby	Robak
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Absent and not voting, 1:

Brashear

Excused and not voting, 4:

Hartnett	Kristensen	Landis	Vrtiska
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The Wickersham amendment lost with 24 ayes, 18 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

PRESIDENT MAURSTAD PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 74, 692, and 1258.

SELECT FILE

LEGISLATIVE BILL 1107. The Raikes pending amendment, AM2766,

found on page 1017 and considered on page 1026, was renewed.

The Raikes amendment was adopted with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:

AM2797

- 1 1. Insert the following new section:
- 2 "Sec. 4. The provisions of this legislative bill shall
- 3 be operational on December 1, 2001, if the State Department of
- 4 Education has conducted a study of the school systems in the
- 5 standard cost grouping described in section 79-1007.02 and has
- 6 recommended to the Legislature by such date, a detailed plan to
- 7 reduce the total number of school systems in the standard cost
- 8 grouping to not more than one hundred sixty-three school systems by
- 9 June 1, 2005. Such plan shall use the configurations that best
- 10 maximize educational benefits to the students of the state as a
- 11 whole. The study shall identify to the Legislature the specific
- 12 systems to be merged or unified and shall recite the specific facts
- 13 considered in making each of the recommendations. The State Board
- 14 of Education shall appoint an advisory committee consisting of
- 15 teachers, administrators, school board members, business leaders,
- 16 and community representatives to work with the department in
- 17 conducting the study. Each school district shall provide to the
- 18 department all information requested by the board in a timely
- 19 fashion."
- 20 2. Renumber the remaining section accordingly.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Chambers	Crosby	Hartnett
Hilgert	Janssen	Jensen	Kiel	Kristensen
Matzke	Preister	Price	Quandahl	Robak
Schimek	Suttle	Thompson		

Voting in the negative, 17:

Bromm	Byars	Connealy	Dickey	Dierks
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Hudkins	Jones	Kremer	Pedersen, Dw.	Pederson, D.
Raikes	Schrock	Smith	Stuhr	Tyson
Wehrbein	Wickersham			

Present and not voting, 6:

Brashear	Cudaback	Engel	Lynch	Redfield
Schmitt				

Excused and not voting, 3:

Coordsen	Landis	Vrtiska
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The Beutler amendment lost with 23 ayes, 17 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Baker	Bohlke	Bromm	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hudkins	Janssen	Jones
Kremer	Matzke	Price	Raikes	Redfield
Schmitt	Schrock	Smith	Stuhr	Tyson
Wehrbein	Wickersham			

Voting in the negative, 17:

Aguilar	Beutler	Bourne	Brown	Bruning
Chambers	Hilgert	Jensen	Kiel	Kristensen
Pedersen, Dw.	Pederson, D.	Preister	Quandahl	Robak
Suttle	Thompson			

Present and not voting, 2:

Lynch	Schimek
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Excused and not voting, 3:

Brashear	Landis	Vrtiska
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Advanced to E & R for engrossment with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1107A. Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 2000, at 10:15 a.m., were the following: LBs 74, 692, and 1258e.

(Signed) Diana Bridges
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Jones filed the following amendment to LB 1234:
AM2765

(Amendments to Standing Committee amendments, AM2553)

- 1 1. On page 1, line 12, strike "or (b)" and insert ", (b)
- 2 fuel containing eighty-seven or less octane, or (c)".

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1115. Placed on General File as amended.
(Standing Committee amendment, AM2715, 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

RESOLUTION

LEGISLATIVE RESOLUTION 320. Introduced by Suttle, 10.

WHEREAS, the Legislature has commissioned the Select Committee on Gender and Minority Equity to monitor progress of the University of Nebraska's compliance with requirements in law to achieve goals in employing women and minority faculty members; and

WHEREAS, the University has submitted its report entitled "Progress Report on Increasing Minority and Women Faculty" on December 17, 1999; and

WHEREAS, the University failed to meet its yearly benchmark by 1 FTE in 1999; and

WHEREAS, state law requires the University of Nebraska system to be among the top fifty percent of the Board of Regents' peer institutions in the employment of women and minority faculty members by August 1, 2002; and

WHEREAS, the University administration has indicated that the August 1, 2002, deadline will be difficult to meet; and

WHEREAS, the Legislature remains committed to the requirements it has set forth in law for the University in meeting the yearly benchmarks and the

August 1, 2002, deadline.

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

1. That the Legislature insists that the University meet the benchmarks and the August 1, 2002, deadline or suffer the consequences provided by law.

2. That the Legislature reaffirms the goals established by law and requires the University to exercise diligence to reach such goals.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 320 was referred to the Reference Committee.

VISITORS

Visitors to the Chamber were Darlene Rademacher from Kennard; 47 fourth grade students and teachers from Lincoln Christian School, Lincoln; and 25 members of the Board of Directors of the Nebraska Pork Producers Association.

RECESS

At 11:47 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 Senator Vrtiska who was excused; and Senators Bohlke, Bromm, Brown, Coordsen, Price, Robak, and Schmitt who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Bohlke filed the following amendment to LB 812:
AM2784

(Amendments to Standing Committee amendments, AM0879)

- 1 1. Strike amendment 3 and insert the following new
- 2 amendments:
- 3 "2. On page 7, strike beginning with 'The' in line 26
- 4 through the period in line 28.
- 5 4. On page 9, after line 2 insert the following new
- 6 subsection:

7 '(5) The State Board of Education shall adopt and
 8 promulgate rules and regulations to carry out this section.'"
 9 2. On page 1, line 4, before the period insert "and after
 10 the period insert 'The board shall prescribe statewide assessments
 11 of writing that rely on writing samples beginning in the spring of
 12 2001 with students in each of three grades selected by the board.
 13 For each series of four school fiscal years thereafter, one of the
 14 three selected grades shall participate in the statewide writing
 15 assessment each year for the first three years, such that each of
 16 the three selected grades is assessed once in the first three years
 17 of the four-year series and each of the three selected grades will
 18 participate in the fourth year. The board shall develop an
 19 assessment system for the subject areas of reading, mathematics,
 20 science, and social studies and history. The aggregate results of
 21 any assessments required by the board pursuant to this section
 22 shall be reported by the district on a building basis to the public
 23 in that district and to the State Department of Education. The
 1 department shall report the aggregate results of any assessments
 2 required by the board pursuant to this section on a district or
 3 building basis as part of the statewide assessment and reporting
 4 system.'; and in line 16 strike 'approved standards' and insert
 5 'subject areas of reading and writing, mathematics, science, and
 6 social studies and history'".
 7 3. Renumber the remaining amendments accordingly.

Senator Beutler filed the following amendments to LB 1348:

(1)

AM2788

(Amendments to Standing Committee amendments, AM2527)

- 1 1. On page 2, line 5, after "ranching" insert
- 2 "operation"; in lines 13 and 14 strike "farms and ranches" and
- 3 insert "farming and ranching operations"; in line 15 strike "farm
- 4 and ranch" and insert "farming and ranching operations"; and in
- 5 line 26 strike "farms and ranches" and insert "farming and ranching
- 6 operations".
- 7 2. On page 3, line 19, after "ranching" insert
- 8 "operations".

(2)

AM2789

(Amendments to Standing Committee amendments, AM2527)

- 1 1. On page 1, line 8; page 2, line 11; page 3, lines 3
- 2 and 12; page 4, line 7; page 5, lines 12 and 20; and page 6, line
- 3 16; after "agricultural" insert "and rural".

(3)

AM2793

(Amendments to Standing Committee amendments, AM2527)

- 1 1. On page 3, line 20, after "support" insert "projects

2 in the following areas".

3 2. On page 5, line 8, after "individual" insert "or

4 designed to subsidize an existing farming or ranching operation";

5 and in lines 22 and 23, strike "activities" and insert "projects".

(4)

AM2791

(Amendments to Standing Committee amendments, AM2527)

1 1. On page 4, line 26, before the period insert "for no

2 more than three years".

(5)

AM2792

(Amendments to Standing Committee amendments, AM2527)

1 1. Insert the following new section:

2 "Sec. 10. The Nebraska Agricultural and Rural

3 Opportunities Act shall terminate on June 30, 2005.".

4 2. On page 1, line 3, strike "9" and insert "10".

5 3. Renumber the remaining sections accordingly.

(6)

AM2790

(Amendments to Standing Committee amendments, AM2527)

1 1. On page 2, line 9; page 3, line 2; page 4, line 27;

2 and page 5, lines 9, 19, and 27; strike "Agriculture" and insert

3 "Economic Development".

(7)

AM2794

(Amendments to Standing Committee amendments, AM2527)

1 1. On page 2, strike beginning with "and" in line 20

2 through "communities" in line 21.

(8)

AM2800

(Amendments to Standing Committee amendments, AM2527)

1 1. Insert the following new section:

2 "Sec. 11. Section 77-4401, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 77-4401. (1) ~~Through December 31, 1996, there~~ There

5 shall be imposed a fee of ~~four dollars~~ one dollar per ton upon the

6 gross tonnage of all sales, use, or other consumption in this state

7 of commercial fertilizers; ~~and commencing January 1, 1997,~~

8 through December 31, 2000, there shall be imposed a fee of one

9 dollar per ton upon such gross tonnage. The fee shall be paid by

10 the purchaser of the commercial fertilizer. Any commercial

11 fertilizer subject to the sales and use tax pursuant to the

12 Nebraska Revenue Act of 1967 shall be exempt from the fee imposed

13 by this section. For purposes of this section, the definitions

14 found in section 81-2,162.02 shall apply.

15 (2) The fee imposed by this section shall be collected by
 16 the seller and remitted to the Department of Revenue for credit to
 17 the ~~Ethanol Production Incentive Cash Fund through December 31,~~
 18 ~~1996,~~ and to the Natural Resources Enhancement Fund on and after
 19 ~~January 1, 1997,~~ based on the gross tonnage of commercial
 20 fertilizers sold during the preceding period. Payment of the fee
 21 shall be accompanied by a report setting forth the gross tonnage of
 22 commercial fertilizers sold by the seller. The report shall be on
 23 a form prescribed by the Department of Revenue and shall include
 1 such other information as the Tax Commissioner deems necessary.
 2 The provisions of the Nebraska Revenue Act of 1967 applicable to
 3 sales and use taxes shall apply to imposition of the fee.
 4 The first one hundred thousand dollars collected each
 5 year shall be remitted to the State Treasurer for credit to the
 6 Nebraska Agricultural and Rural Opportunities Cash Fund. The
 7 balance of the fees collected shall be remitted to the State
 8 Treasurer for credit to the Natural Resources Enhancement Fund.

9 (3) For purposes of this section, gross tonnage shall not
 10 include water and other carriers added by the retail seller of the
 11 fertilizer and shall not include sales of packages of fertilizers
 12 containing ten pounds or less.

13 (4) Any person who purchased commercial fertilizer prior
 14 to May 1, 1993, and paid a fee greater than three dollars per ton
 15 shall be entitled to a refund of the amount paid in excess of three
 16 dollars per ton.

17 (5) The Tax Commissioner shall adopt and promulgate rules
 18 and regulations to carry out this section."

19 2. On page 9, line 5, after "sections" insert
 20 "77-4401,".

21 3. Renumber the remaining sections accordingly.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 310 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 310.

GENERAL FILE

LEGISLATIVE BILL 1214. Title read. Considered.

The Standing Committee amendment, AM2635, found on page 974, was considered.

Pending.

NOTICE OF COMMITTEE HEARING
Education

Wednesday, March 22, 2000 (cancel)
Coordinating Commission for Postsecondary Education
Megan Massey

1:15 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 321. Introduced by Coordsen, 32.

WHEREAS, the Chester-Hubbell-Byron High School boys' basketball team won the Class D-2 Boys' State High School Basketball Championship; and

WHEREAS, Chester-Hubbell-Byron finished the season with 22 wins and 4 losses, culminating in a 50-48 victory for the state championship over Lindsay Holy Family; and

WHEREAS, this was the first state title for the Chester-Hubbell-Byron consolidated school district. Chester High School was a tournament champion in 1953 and Byron High School was a tournament champion in 1958; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Chester-Hubbell-Byron High School boys' basketball team be congratulated for their outstanding effort this season and in winning the Boys' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Jeff Vetter and the Chester-Hubbell-Byron High School boys' basketball team. -

Laid over.

LEGISLATIVE RESOLUTION 322. Introduced by Robak, 22.

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team won the 1999 Girls State Class C-1 High School Volleyball Championship; and

WHEREAS, 1999 was the fifth consecutive victory for the Columbus Scotus Central Catholic High School girls' volleyball team; and

WHEREAS, The Columbus Scotus Central Catholic High School girls' volleyball team completed the 1999 season with a record of 27 wins and 2 losses; and

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team is coached by John Peterson, who has led the Shamrocks to seven state titles in 23 years, and assistant coaches Janet Tooley and Julie Blaser and is managed by Melinda Hanus; and

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team consists of student-athletes Renee Beiermann, Andrea Brezinski, Ceisha Kudron, Melissa Schmidt, Shanna Melliger, Michelle Moser, Amanda Sackett, Heather Van Ackeren, Kristin Blair, Natasha Bender, Amanda Cielocha, Meghan Pile, Kari Mroczek, Lori Beller, and Kendra Schnieders.

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

1. That the Legislature congratulates the Columbus Scotus Central Catholic High School girls' volleyball team student-athletes, student manager, and coaches.

2. That a copy of this resolution be sent to Columbus Scotus Central Catholic High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1214. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA319

Amend AM2635

P. 1, line 2, strike "twenty-five" and insert "five"

Senator Chambers withdrew his amendment.

The Standing Committee amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1214A. Title read. Considered.

Advanced to E & R for review with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1215. Title read. Considered.

Advanced to E & R for review with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1216. Title read. Considered.

The Standing Committee amendment, AM2688, found on page 974, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Dw. Pedersen offered the following amendment:

AM2702

- 1 1. Insert the following new section:
- 2 "Sec. 28. The State Probation Contractual Services Cash
- 3 Fund is created. The fund shall consist only of payments received
- 4 by the state pursuant to contractual agreements with local
- 5 political subdivisions for probation services provided by the
- 6 Office of Probation Administration. The fund shall only be used to
- 7 pay for probation services provided by the Office of Probation
- 8 Administration to local political subdivisions which enter into
- 9 contractual agreements with the Office of Probation Administration.
- 10 The fund shall be administered by the probation administrator. Any
- 11 money in the fund available for investment shall be invested by the
- 12 state investment officer pursuant to the Nebraska Capital Expansion
- 13 Act and the Nebraska State Funds Investment Act."
- 14 2. Renumber the remaining sections accordingly.

The Dw. Pedersen amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 414. Placed on Select File as amended.
(E & R amendment, AM7224, 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 1092. Placed on Select File as amended.
E & R amendment to LB 1092:

AM7225

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Legislature finds that:
- 4 (1) Increasing markets for small to medium-sized
- 5 producers can enhance statewide agricultural economic development.
- 6 Niche marketing through local retailers and restaurants can add
- 7 value to the state agricultural economy;
- 8 (2) Public safety is of tantamount importance to assuring
- 9 a safe food supply and a positive national opinion of Nebraska's
- 10 meat producers; and
- 11 (3) A pilot program for state meat inspection would help
- 12 the Department of Agriculture and the Department of Economic
- 13 Development determine the economic impact of a state meat
- 14 inspection program in Nebraska.
- 15 Sec. 2. It is the intent of the Legislature that
- 16 beginning June 1, 2002, the Department of Agriculture shall

17 implement a pilot program of state meat inspection at
18 establishments, as defined by section 54-1902, which process meat,
19 poultry, or meat and poultry products for human consumption for
20 entry into intrastate commerce. It is the intent of the
21 Legislature that such program of meat and poultry inspection shall
22 be limited to small-to-medium size establishments as determined by
23 rules and regulations of the department according to killing
24 capacity or weight or volume of product produced under inspection.

1 Sec. 3. The Department of Agriculture shall employ a
2 program administrator who shall be responsible for developing,
3 implementing, and operating a state meat inspection program. Such
4 administrator shall coordinate activities necessary, including
5 cooperation with the United States Secretary of Agriculture, in
6 order to prepare a state performance plan which meets the federal
7 requirements for certification of a state program of meat and
8 poultry inspection and includes requirements for ante mortem and
9 post mortem inspection, reinspection, sanitation, and program
10 management at least equal to those imposed under the Federal Meat
11 Inspection Act, 21 U.S.C. 601 et seq., and the Poultry Products
12 Inspection Act, 21 U.S.C. 451 et seq. The state may enter into
13 cooperative agreements with the United States Secretary of
14 Agriculture for financial, technical, and other assistance in order
15 to develop and maintain a state program of meat and poultry
16 inspection.

17 Sec. 4. On or before November 15, 2001, the Department
18 of Agriculture and the Agriculture Committee of the Legislature
19 shall provide a report to the Legislature which shall enumerate and
20 describe any actions necessary to implement a state pilot program
21 of meat and poultry inspection. The report shall recommend any
22 necessary changes to the Nebraska Meat and Poultry Inspection Law,
23 other statutory authority of the department, and any rules and
24 regulations promulgated thereto in order to effect the purposes of
25 section 2 of this act and to meet requirements for ante mortem and
26 post mortem inspection, reinspection, sanitation, and program
27 management requirements at least equal to those imposed under the
1 Federal Meat Inspection Act, 21 U.S.C. 601 et seq., and the Poultry
2 Products Inspection Act, 21 U.S.C. 451 et seq. The report shall
3 discuss anticipated participation in the program, including the
4 types and numbers of establishments where state meat and poultry
5 inspection would be maintained, and shall include a detailed
6 description of anticipated resources required to develop and
7 maintain a program of meat inspection.

8 Sec. 5. (1) Except as provided in subsection 2 of this
9 section, the state meat inspection pilot program shall terminate on
10 January 1, 2006. At the conclusion of the third year of the pilot
11 program, the Department of Agriculture and the Department of
12 Economic Development shall evaluate the number of establishments
13 which have become state-inspected facilities, the number of animals
14 being processed at such establishments, and the economic impact of

15 plants utilizing the pilot program. The departments shall report
 16 the results of the evaluation to the Governor and the Legislature
 17 within six months after commencing the evaluation.
 18 (2) If state meat inspection is being maintained at fewer
 19 than five establishments on or after August 1, 2004, the state meat
 20 inspection pilot program shall be terminated. If the program is to
 21 be terminated, inspection may continue at state-inspected
 22 establishments for a period of time necessary to enable such
 23 establishments to process any remaining inventories, but such
 24 period shall not be longer than two weeks."

LEGISLATIVE BILL 213. Placed on Select File as amended.
 (E & R amendment, AM7222, 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 628. Placed on Select File as amended.
 E & R amendment to LB 628:
 AM7223

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 84-712, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 84-712. (1) Except as otherwise expressly provided by
 6 statute, all citizens of this state, and all other persons
 7 interested in the examination of the public records, as defined in
 8 section 84-712.01, are hereby fully empowered and authorized to (a)
 9 examine the same, and to make memoranda, copies using their own
 10 copying or photocopying equipment in accordance with subsection (2)
 11 of this section, and abstracts therefrom, all free of charge,
 12 during the hours the respective offices may be kept open for the
 13 ordinary transaction of business and (b) except if federal
 14 copyright law otherwise provides, obtain copies of public records
 15 in accordance with subsection (3) of this section during the hours
 16 the respective offices may be kept open for the ordinary
 17 transaction of business.
 18 (2) Copies made by citizens or other persons using their
 19 own copying or photocopying equipment pursuant to subdivision
 20 (1)(a) of this section shall be made on the premises of the
 21 custodian of the public record or at a location mutually agreed to
 22 by the requester and the custodian.
 23 (3)(a) Copies may be obtained pursuant to subdivision
 24 (1)(b) of this section only if the custodian has copying equipment
 1 reasonably available. Such copies may be obtained in any form
 2 designated by the requester in which the public record is
 3 maintained or produced, including, but not limited to, printouts,
 4 electronic data, discs, tapes, and photocopies.
 5 (b) Except as otherwise provided by statute, the
 6 custodian of a public record may charge a fee for providing copies

7 of such public record pursuant to subdivision (1)(b) of this
8 section, which fee shall not exceed the actual cost of making the
9 copies available. For purposes of this subdivision, (i) for
10 photocopies, the actual cost of making the copies available shall
11 not exceed the amount of the reasonably calculated actual cost of
12 the photocopies, (ii) for printouts of computerized data on paper,
13 the actual cost of making the copies available shall include the
14 reasonably calculated actual cost of computer run time and the cost
15 of materials for making the copy, and (iii) for electronic data,
16 the actual cost of making the copies available shall include the
17 reasonably calculated actual cost of the computer run time, any
18 necessary analysis and programming, and the production of the
19 report in the form furnished to the requester. State agencies
20 which provide electronic access to public records through a gateway
21 service shall obtain approval of their proposed reasonable fees for
22 such records pursuant to sections 84-1205.02 and 84-1205.03, if
23 applicable, and the actual cost of making the copies available may
24 include the approved fee for the gateway service.

25 (c) This section shall not be construed to require a
26 public body or custodian of a public record to produce or generate
27 any public record in a new or different form or format modified
1 from that of the original public record.

2 (d) If copies requested in accordance with subdivision
3 (1)(b) of this section are estimated by the custodian of such
4 public records to cost more than fifty dollars, the custodian may
5 require the requester to furnish a deposit prior to fulfilling such
6 request.

7 (4) Upon receipt of a request for access to or copies of
8 a public record, the custodian of such record shall provide to the
9 requester as soon as is practicable and without delay, but not more
10 than three business days after actual receipt of the request,
11 either (a) access to or, if copying equipment is reasonably
12 available, copies of the public record, (b) if there is a legal
13 basis for denial of access or copies, a written denial of the
14 request together with the information specified in section
15 84-712.04, or (c) if the entire request cannot with reasonable good
16 faith efforts be fulfilled within three business days after actual
17 receipt of the request due to the significant difficulty or the
18 extensiveness of the request, a written explanation, including the
19 earliest practicable date for fulfilling the request, an estimate
20 of the expected cost of any copies, and an opportunity for the
21 requester to modify or prioritize the request.

22 Sec. 2. Section 84-712.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 84-712.01. (1) Except when any other statute expressly
25 provides that particular information or records shall not be made
26 public, public records shall include all records and documents,
27 regardless of physical form, of or belonging to this state, any
1 county, city, village, political subdivision, or tax-supported

2 district in this state, or any agency, branch, department, board,
3 bureau, commission, council, subunit, or committee of any of the
4 foregoing. Data which is a public record in its original form
5 shall remain a public record when maintained in computer files.
6 (2) When a custodian of a public record of a county which
7 has a population of one hundred thousand inhabitants or more as
8 determined by the most recent federal decennial census provides to
9 a member of the public, upon request, a copy of the public record
10 by transmitting it from a modem to an outside modem, a reasonable
11 fee may be charged for such specialized service. Such fee may
12 include a reasonable amount representing a portion of the
13 amortization of the cost of computer equipment, including software,
14 necessarily added in order to provide such specialized service.
15 This subsection shall not be construed to require a governmental
16 entity to acquire computer capability to generate public records in
17 a new or different form when that new form would require additional
18 computer equipment or software not already possessed by the
19 governmental entity.

20 (3) Sections 84-712 to 84-712.03 shall be liberally
21 construed whenever any state, county, or political subdivision
22 fiscal records, audit, warrant, voucher, invoice, purchase order,
23 requisition, payroll, check, receipt, or other record of receipt,
24 cash, or expenditure involving public funds is involved in order
25 that the citizens of this state shall have the full right to know
26 of and have full access to information on the public finances of
27 the government and the public bodies and entities created to serve
1 them.

2 Sec. 3. Section 84-712.03, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 84-712.03. Any person denied any rights granted by
5 sections 84-712 to 84-712.03 may elect to:

6 (1) ~~file~~ File for speedy relief by a writ of mandamus in
7 the district court within whose jurisdiction the state, county, or
8 political subdivision officer who has custody of said the public
9 record can be served; or

10 (2) ~~petition~~ Petition the Attorney General to review the
11 ~~record matter~~ to determine whether ~~it~~ a record may be withheld from
12 public inspection or whether the public body that is custodian of
13 such record has otherwise failed to comply with such sections.

14 This determination shall be made within fifteen calendar days of
15 the submission of the petition. If the Attorney General determines
16 that the record may not be withheld or that the public body is
17 otherwise not in compliance, the public body shall be ordered to
18 disclose the record immediately or otherwise comply. If the public
19 body continues to withhold the record or remain in noncompliance,
20 the person seeking disclosure or compliance may (a) bring suit in
21 the trial court of general jurisdiction or (b) demand in writing
22 that the Attorney General bring suit in the name of the state in
23 the trial court of general jurisdiction for the same purpose. If

24 such demand is made, the Attorney General shall bring suit within
25 fifteen calendar days of its receipt. The requester shall have an
26 absolute right to intervene as a full party in the suit at any
27 time.

1 In any suit filed under this section, the court has
2 jurisdiction to enjoin the public body from withholding records, to
3 order the disclosure, and to grant such other equitable relief as
4 may be proper. The court shall determine the matter de novo and
5 the burden is on the public body to sustain its action. The court
6 may view the records in controversy in camera before reaching a
7 decision, and in the discretion of the court other persons,
8 including the requester, counsel, and necessary expert witnesses
9 may be permitted to view the records, subject to necessary
10 protective orders.

11 Proceedings arising under this section, except as to the
12 cases the court considers of greater importance, shall take
13 precedence on the docket over all other cases and shall be assigned
14 for hearing, trial, or argument at the earliest practicable date
15 and expedited in every way.

16 Sec. 4. Original sections 84-712, 84-712.01, and
17 84-712.03, Reissue Revised Statutes of Nebraska, are repealed.".

18 2. On page 1, line 1, strike "and" and insert a comma;
19 and in line 2 after the comma insert "and 84-712.03," and after the
20 semicolon insert "to change provisions relating to public
21 records;".

LEGISLATIVE BILL 833. Placed on Select File as amended.

E & R amendment to LB 833:

AM7226

1 1. On page 1, strike beginning with "adopt" in line 1
2 through line 2 and insert "amend sections 54-2607 to 54-2609 and
3 54-2617 to 54-2619, Revised Statutes Supplement, 1999; to change
4 provisions relating to the Competitive Livestock Markets Act; and
5 to repeal the original sections.".

LEGISLATIVE BILL 929. Placed on Select File as amended.

E & R amendment to LB 929:

AM7229

1 1. In the Landis amendment, AM2477, on page 42, line 4,
2 strike the second comma and show as stricken.
3 2. On page 1, strike beginning with "adopt" in line 1
4 through line 2 and insert "amend section 33-101, Reissue Revised
5 Statutes of Nebraska, and sections 1-105, 9-102, 9-104, 9-210,
6 9-311, 9-317, 9-323, 9-331, 9-334, 9-336, 9-406, 9-407, 9-408,
7 9-409, 9-504, 9-509, 9-513, 9-608, 9-613, 9-615, 9-625, 9-702,
8 9-705, 9-707, 9-708, and 9-709, Uniform Commercial Code; to adopt
9 the Uniform Electronic Transactions Act and the Nebraska
10 Governmental Unit Security Interest Act; to provide fees for
11 searching records as prescribed; to change provisions relating to

12 secured transactions; to provide safe harbor provisions for certain
 13 continuation statements as prescribed; to change provisions
 14 relating to financing statements; to provide operative dates; to
 15 provide severability; and to repeal the original sections."

LEGISLATIVE BILL 1352. Placed on Select File as amended.

E & R amendment to LB 1352:

AM7227

- 1 1. In the Standing Committee amendment, AM2535, on page
- 2 2, line 16 "of" has been struck and "to" inserted.
- 3 2. On page 1, lines 1 and 2, strike "68-1725, Reissue
- 4 Revised Statutes of Nebraska" and insert "68-1708, Revised Statutes
- 5 Supplement, 1998".

LEGISLATIVE BILL 1253. Placed on Select File as amended.

(E & R amendment, AM7230, 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 171. Placed on Select File as amended.

E & R amendment to LB 171:

AM7228

- 1 1. In the Standing Committee amendments, AM2103, on page
- 2 1, line 13, strike "Telecommunication" and insert
- 3 "Telecommunications".
- 4 2. On page 1, strike beginning with "exempt" in line 2
- 5 through line 5 and insert "provide for a refund of sales and use
- 6 taxes paid by television stations on digital broadcasting machinery
- 7 and equipment as prescribed; to harmonize provisions; and to repeal
- 8 the original section."

LEGISLATIVE BILL 1401A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

NOTICE OF COMMITTEE HEARING
Education

LB 1399 Wednesday, March 22, 2000 (rehearing) 12:00 p.m.
 (AM2777)

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1217. Title read. Considered.

The Standing Committee amendment, AM2629, printed separately and referred to on page 975, was considered.

Senators Aguilar, Janssen, and Lynch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 245. Indefinitely postponed.
LEGISLATIVE BILL 249. Indefinitely postponed.
LEGISLATIVE BILL 400. Indefinitely postponed.
LEGISLATIVE BILL 484. Indefinitely postponed.
LEGISLATIVE BILL 601. Indefinitely postponed.
LEGISLATIVE BILL 648. Indefinitely postponed.
LEGISLATIVE BILL 710. Indefinitely postponed.
LEGISLATIVE BILL 807. Indefinitely postponed.
LEGISLATIVE BILL 836. Indefinitely postponed.
LEGISLATIVE BILL 848. Indefinitely postponed.
LEGISLATIVE BILL 941. Indefinitely postponed.
LEGISLATIVE BILL 943. Indefinitely postponed.
LEGISLATIVE BILL 955. Indefinitely postponed.
LEGISLATIVE BILL 985. Indefinitely postponed.
LEGISLATIVE BILL 987. Indefinitely postponed.
LEGISLATIVE BILL 1014. Indefinitely postponed.
LEGISLATIVE BILL 1015. Indefinitely postponed.
LEGISLATIVE BILL 1017. Indefinitely postponed.
LEGISLATIVE BILL 1044. Indefinitely postponed.
LEGISLATIVE BILL 1045. Indefinitely postponed.
LEGISLATIVE BILL 1046. Indefinitely postponed.
LEGISLATIVE BILL 1047. Indefinitely postponed.
LEGISLATIVE BILL 1049. Indefinitely postponed.
LEGISLATIVE BILL 1072. Indefinitely postponed.
LEGISLATIVE BILL 1074. Indefinitely postponed.
LEGISLATIVE BILL 1105. Indefinitely postponed.
LEGISLATIVE BILL 1117. Indefinitely postponed.
LEGISLATIVE BILL 1136. Indefinitely postponed.
LEGISLATIVE BILL 1137. Indefinitely postponed.
LEGISLATIVE BILL 1149. Indefinitely postponed.
LEGISLATIVE BILL 1155. Indefinitely postponed.
LEGISLATIVE BILL 1168. Indefinitely postponed.
LEGISLATIVE BILL 1254. Indefinitely postponed.
LEGISLATIVE BILL 1263. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 438.

Correctly Engrossed

The following bills were correctly engrossed: LBs 155, 921, 930, 944, 960, 1018, 1192, 1243, 1243A, 1317, and 1401.

Enrollment and Review Change to LB 438
(Final Reading copy)

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

ER9125

1. On page 1, line 5, "to provide responsibility for filings and liability for fees, penalties, and interest;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1018

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

ER9124

1. In the Kremer amendment, AM2488, on page 5, line 6, "(35)" has been struck and "(36)" inserted.

2. In the E & R amendment, AM7201, on page 16, line 24, an underscored comma has been inserted after "parts".

3. On page 1, lines 2 through 8 have been struck and "sections 60-1401.02, 60-1403.01, 60-1407.03, 60-1417, and 60-1434, Reissue Revised Statutes of Nebraska, and section 60-1406, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to licenses, franchises, motor vehicle sales, and consumer care or service facilities; to change provisions relating to motor vehicle and trailer dealers; to eliminate provisions relating to special permits for sales at a place other than an established place of business; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 60-1407.05, Reissue Revised Statutes of Nebraska." inserted.

Enrollment and Review Change to LB 1243

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

ER9126

1. In the Bohlke amendment, AM2744:

a. Sections 1 to 3 and 5 have been renumbered as sections 2 to 4 and 10,

respectively; and

b. On page 1, line 10, "district" has been struck and "board" inserted; and in line 21 "79-247" has been struck and "79-246" inserted.

2. In the Thompson amendment, AM2455:

a. Amendments 1 and 3 have been incorporated into the E & R amendment, AM7209; and

b. Amendment 2 has been struck.

3. In the E & R amendment, AM7209, section 3 and all amendments thereto have been struck and the following new section inserted:

"Sec. 9. Original sections 79-534 and 79-535, Reissue Revised Statutes of Nebraska, sections 79-215 and 79-1115, Revised Statutes Supplement, 1998, and sections 9-812, 79-1125.01, 79-1142, and 79-1145, Revised Statutes Supplement, 1999, are repealed."

4. On page 1, the matter beginning with "the" in line 1 through line 5 has been struck and "schools; to amend sections 79-534 and 79-535, Reissue Revised Statutes of Nebraska, sections 79-215 and 79-1115, Revised Statutes Supplement, 1998, and sections 9-812, 79-1125.01, 79-1142, and 79-1145, Revised Statutes Supplement, 1999; to change admission and tuition provisions; to change provisions relating to special education; to change and eliminate definitions and usage of terms; to change reimbursement; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1123, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Adrian M. Smith, Chairperson

MESSAGES FROM THE GOVERNOR

March 10, 2000

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Megan Massey's name from the confirmation for the Coordinating Commission for Post-Secondary Education on Wednesday, March 22, 2000 at the Education Committee hearing due to her resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

March 13, 2000

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 a member of the Coordinating Commission for Post-Secondary Education:

APPOINTEE:

Dr. Helen Morten, 9115 Pioneers Ct, Lincoln NE 68520

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Reckewey, Nancy - Nebraska Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1217:
AM2778

- 1 1. Insert the following new section:
- 2 "Sec. 71. Laws 1999, LB 878, section 56, is amended to
- 3 read:
- 4 Sec. 56. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
- 5 SERVICES
- 6 Program No. 934 - ~~Juvenile Correctional Facilities~~
- 7 Improvements 940 - Multipurpose Building - Youth Rehabilitation and
- 8 Treatment Center - Geneva

9

FY1999-00 FY2000-01 FUTURE

10 STATE BUILDING FUND	-0-	2,200,000	-0-
11 STATE BUILDING FUND	-0-	2,200,000	970,848
12 PROGRAM TOTAL	-0-	2,200,000	-0-
13 PROGRAM TOTAL	-0-	2,200,000	970,848

- 14 The Department of Administrative Services is authorized
 15 to replace and renovate existing facilities at the Youth
 16 Rehabilitation and Treatment Center - Geneva and the Youth
 17 Rehabilitation and Treatment Center - Kearney.
 18 The Department of Health and Human Services is hereby
 19 authorized to construct a multipurpose building to house a ten-bed
 20 unit of Level 5 housing, a ten-bed unit of orientation housing, a
 21 dental/medical clinic, an infirmary, and counseling/general purpose
 22 meeting space at the Youth Rehabilitation and Treatment Center -
 23 Geneva. The purpose of the multipurpose building is to relieve the
 24 overcrowded conditions on the campus and provide more adequate
 1 space for specialized services.
 2 There is included in the State Building Fund
 3 appropriation to this program \$2,200,000 for FY2000-01 and \$970,848
 4 for FY2001-02 to construct a multipurpose building at the Youth
 5 Rehabilitation and Treatment Center - Geneva.
 6 It is the intent of the Legislature that all statutory
 7 requirements of the state building division of the Department of
 8 Administrative Services be met for this project before work
 9 begins."
 10 2. In the Standing Committee amendments, AM2629, on page
 11 18, line 16, after "51," insert "56,".
 12 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 1217:
 AM2819

- 1 1. Strike original section 54 and all amendments thereto
 2 and insert the following new section:
 3 "Sec. 54. Laws 1999, LB 880, section 91, is amended to
 4 read:
 5 Sec. 91. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND HUMAN
 6 SERVICES
 7 Program No. 250 - Juvenile Services Operations
 8
- | | FY1999-00 | FY2000-01 |
|----------------------|------------|------------|
| 9 GENERAL FUND | 15,487,050 | 15,953,573 |
| 10 GENERAL FUND | 15,483,430 | 15,999,953 |
| 11 CASH FUND | 57,026 | 72,784 |
| 12 FEDERAL FUND est. | 669,479 | 728,366 |
| 13 PROGRAM TOTAL | 16,213,555 | 16,754,723 |
| 14 PROGRAM TOTAL | 16,209,935 | 16,801,103 |
| 15 SALARY LIMIT | 6,535,824 | 6,799,750 |
- 16 The Department of Administrative Services shall monitor
 17 the appropriations and expenditures for this program according to
 18 the following program classifications:
 19 No. 315 - Office of Juvenile Services

- 20 No. 345 - Juvenile Community-Based Services
- 21 No. 364 - Juvenile Parole Administration
- 22 No. 371 - Youth Rehabilitation and Treatment
- 23 Center-Geneva
- 24 No. 374 - Youth Rehabilitation and Treatment
- 1 Center-Kearney".

Senator Chambers filed the following amendment to LB 1217:
FA320

P. 14, lines 2 & 3, strike "3,997,000" and insert "2,997,000"

Senator Chambers filed the following amendment to LB 1217:
FA321

P. 10, line 22, strike "176,814" and insert "0"; in line 23, strike "158,466" and insert "0"; and in line 25, strike "233,430" and insert "0".

Senator Baker filed the following amendment to LB 1217:
AM2827

1 1. On page 5, strike line 21 and insert:

2 GENERAL FUND 102,659 103,161

3 and strike line 24 and insert:

4 PROGRAM TOTAL 124,285 125,289

Senator Bohlke filed the following amendment to LB 1399:
AM2829

(Amendments to Standing Committee amendments, AM2719)

- 1 1. On page 2, line 8, after "(11)" insert "Four
- 2 taxpayers. One taxpayer from each of the school districts
- 3 represented by a teacher as listed in subdivisions (7) through (10)
- 4 of this section;
- 5 (12)"; in line 10 strike "(12)" and insert "(13)"; in
- 6 line 11 strike "(13)" and insert "(14)"; in line 15 strike "(14)"
- 7 and insert "(15)"; and in line 17 strike "(15)" and insert "(16)".

Senator Crosby filed the following amendment to LB 352:
AM2818

1 1. Insert the following new sections:

2 "Sec. 18. This act becomes operative on July 1, 2000.

3 Sec. 21. Since an emergency exists, this act takes

4 effect when passed and approved according to law."

5 2. On page 12, strike line 28 and show the old matter as

6 stricken.

7 3. On page 13, line 3, before "The" insert "The

8 Commission for the Blind and Visually Impaired Cash Fund is

9 created. Any money in the Small Business Enterprises Cash Fund on

10 the operative date of this act shall be transferred to the

11 Commission for the Blind and Visually Impaired Cash Fund."

12 4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Tiffany Meyer, Jean and Rebecca Lance from Stanton; 46 members and leader of the Moody Men's Collegiate Choir from Moody Bible Institute, Chicago, Illinois; and Bob Tighe from Homer.

The Doctor of the Day was Dr. Roth from Lincoln.

ADJOURNMENT

At 5:06 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 14, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 14, 2000

PRAYER

The prayer was offered by Pastor Mike Gillett, Salem Evangelical Covenant Church, Oakland, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Dierks, Hudkins, Kiel, Landis, Robak, Schmitt, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

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

The following bills were correctly engrossed: LBs 957 and 957A.

Enrollment and Review Change to LB 957

The following changes, required to be reported for publication in the Journal, have been made:
ER9127

1. In the Dierks amendment, AM2676, on page 1, line 16, "Nebraska" has been struck.

2. On page 1, the matter beginning with "agriculture" in line 1 through line 3 and all amendments thereto have been struck and "the environment; to amend sections 81-15,167, 81-15,169, 81-15,173, 81-15,174, 81-15,175,

and 81-15,176, Reissue Revised Statutes of Nebraska; to create the Carbon Sequestration Advisory Committee; to provide duties; to create funds; to change provisions of the Nebraska Environmental Trust Act; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 957A

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

ER9128

1. On page 1, line 3, "to state intent;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 323. Introduced by Aguilar, 35.

WHEREAS, Grand Island Central Catholic High School won the Class C-1 Boys' State Basketball Tournament; and

WHEREAS, Grand Island Central Catholic defeated Pierce High School for the state title; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Grand Island Central Catholic High School boys' basketball team be congratulated for its exemplary effort this season and in the tournament.

2. That a copy of this resolution be sent to Coach Bill Gavers and the team.

Laid over.

LEGISLATIVE RESOLUTION 324. Introduced by Crosby, 29; Beutler, 28.

WHEREAS, the Lincoln Pius X Thunderbolts won the Class B Boys' State High School Basketball Tournament with a 77-52 win over the McCook Bison; and

WHEREAS, the state championship capped an impressive 20-3 season for Lincoln Pius X; and

WHEREAS, such a season and the state championship was made possible by the hard work of Coach Ray Forycki and team members Luke Kessler, Nick Rasby, Travis Kirkman, Nick Heiser, Ben Bixenmann, Mike Johnson, Mitch Helman, Andy McCarville, Ryan Wesolowski, Ryan Polak, Brandon McAllister, and Tom Dorcey.

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

1. That the Legislature congratulates the Lincoln Pius X High School boys' basketball team for its effort this season.

2. That a copy of this resolution be sent to Lincoln Pius X High School and Coach Ray Forycki.

Laid over.

LEGISLATIVE RESOLUTION 325. Introduced by Vrtiska, 1.

WHEREAS, the Humboldt/Table Rock-Steinauer High School won the Class C-2 Boys' State High School Basketball Tournament; and

WHEREAS, Humboldt/Table Rock-Steinauer defeated Ponca High School 51-46; and

WHEREAS, a successful 21-4 season and tournament win were due to the efforts of Coach Scot Knudson and assistant coach Terry Borchert and team members Matt Riley, Caleb Herr, Matt Mezger, John Barnett, Dustin McMann, Jed Shupp, Mike Burgert, Ethan Petrashek, Russell Plager, Dustin Bents, Ben Thursby, Matt Schlimme, and Chris Rauner.

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

1. The Legislature congratulates the Humboldt/Table Rock-Steinauer High School.

2. That a copy of this resolution be sent to the Humboldt/Table Rock-Steinauer boys' basketball team and Coach Scot Knudson.

Laid over.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 1217:
AM2803

(Amendments to Standing Committee amendments, AM2629)

- 1 1. On page 1, line 1, after "13," insert "19,".
- 2 2. On page 22, strike beginning with "lines" in line 1
- 3 through "and" in line 2.
- 4 3. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Senators Brashear and Hilgert filed the following motion to LB 1405:
Place LB 1405 on General File pursuant to Rule 3, Section 19(b).

GENERAL FILE

LEGISLATIVE BILL 414A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not

voting, and 10 excused and not voting.

LEGISLATIVE BILL 1348. The Standing Committee amendment, AM2527, found on page 889 and considered on page 971, was renewed.

Senators Price, Schimek, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers renewed his pending amendment, FA314, found on page 998, to the Standing Committee amendment.

Senator Chambers asked unanimous consent to replace his pending amendment, FA314, found on page 998, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his amendment, FA314, found on page 998.

Senator Chambers offered the following substitute amendment to the Standing Committee amendment:

FA322

Amend AM2527

P. 7, line 27 and on P. 8, line 17, strike "fifty" and insert "twenty-five"

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Beutler renewed his pending amendment, AM2788, found on page 1032, to the Standing Committee amendment.

The Beutler amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Beutler renewed his pending amendment, AM2789, found on page 1032, to the Standing Committee amendment.

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Beutler renewed his pending amendment, AM2793, found on page 1032, to the Standing Committee amendment.

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and

not voting, and 4 excused and not voting.

Senator Beutler renewed his pending amendment, AM2791, found on page 1033, to the Standing Committee amendment.

The Beutler amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Beutler renewed his pending amendment, AM2792, found on page 1033, to the Standing Committee amendment.

The Beutler amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Beutler renewed his pending amendment, AM2790, found on page 1033, to the Standing Committee amendment.

Senator Beutler withdrew his amendment.

Senator Beutler renewed his pending amendment, AM2794, found on page 1033, to the Standing Committee amendment.

The Beutler amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Beutler renewed his pending amendment, AM2800, found on page 1033, to the Standing Committee amendment.

SPEAKER KRISTENSEN PRESIDING

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Beutler withdrew his amendment.

SENATOR CUDABACK PRESIDING

Senators Bromm, Landis, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

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

Advanced to E & R for review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Senators Byars and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1399. Title read. Considered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Matzke, 47.

WHEREAS, the Paxton High School boys' basketball team won the Class D-1 Boys' State High School Basketball Tournament with a 42-39 win over previously unbeaten Deshler in the championship game; and

WHEREAS, the Paxton Tigers have won their last 17 games in a row and completed their season with an impressive 23-2 record; and

WHEREAS, this is the second D-1 title won by the Paxton Tigers in the past 6 years; and

WHEREAS, the accomplishments, sportsmanship, determination, and dedication of the Paxton boys' basketball team deserves special recognition; 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, SECOND SESSION:

1. That the Legislature extends its congratulations to the Paxton Tigers boys' basketball team and their coaches for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Paxton boys' basketball team and Head Coach Jody Rhodes.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Hartnett, 45.

WHEREAS, the Bellevue West Thunderbirds won the Class A Boys' State High School Basketball Tournament; and

WHEREAS, the Thunderbirds finished the season with 23 wins and 1 loss before winning their first state basketball championship over Omaha Burke, 70-53; and

WHEREAS, the collective athletic abilities, teamwork, accomplishments, and dedication of the coaches and players and the support of the other students, the staff, and players' parents should be commended and are deserving of special recognition.

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

1. That the Legislature congratulates the Bellevue West Thunderbirds boys' basketball team on winning the Class A Boys' State High School

Basketball Tournament.

2. That a copy of this resolution be sent to the Bellevue Board of Education, the Bellevue West High School, and Coach Doug Woodard.

Laid over.

AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 972:
AM2699

(Amendments to AM2558)

- 1 1. On page 1, strike beginning with "ensure" in line 21
- 2 through line 23 and insert "result in the hiring of a number of new
- 3 employees equal to at least one-half of one percent of the labor
- 4 force in the county or counties in which the Customer Service Unit
- 5 is located.".

Senators Jensen and Dierks filed the following amendment to LB 1023:
AM2814

(Amendments to E & R amendments, AM7216)

- 1 1. On page 7, line 1, before "The" insert "(1)"; in line
- 2 2 strike "(1)" and insert "(a)"; in line 4 strike "(2)" and insert
- 3 "(b)"; and after line 9 insert
- 4 "(2) The department shall establish and collect the
- 5 following fees:
- 6 (a) For an initial application for licensure as a
- 7 veterinarian technician, an amount not less than five dollars nor
- 8 more than seventy-five dollars;
- 9 (b) For annual renewal of licensure as a veterinarian
- 10 technician, an amount not less than five dollars nor more than
- 11 forty dollars; and
- 12 (c) For a duplicate original license, ten dollars.".

Senator Wickersham filed the following amendment to LB 1003:
AM2806

- 1 1. Insert the following new section:
- 2 "Sec. 5. Any advertising or promotional materials
- 3 relating to the Nebraska educational savings plan trust may include
- 4 references to a public office but shall not refer to an
- 5 officeholder by name.".
- 6 2. Renumber the remaining sections and correct internal
- 7 references accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Morten, Dr. Helen - Coordinating Commission for Postsecondary Education

-- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Education

Wednesday, March 22, 2000 1:15 p.m.
Coordinating Commission for Postsecondary Education
Dr. Helen Morten

(Signed) Ardyce L. Bohlke, Chairperson

Transportation and Telecommunications

Wednesday, March 22, 2000 1:15 p.m.
Nebraska Motor Vehicle Industry Licensing Board
Kevin Langel
William Cannon
Jerry Haggadone

(Signed) Curt Bromm, Chairperson

VISITORS

Visitors to the Chamber were Bradley and Samuel Gillett from Oakland; 15 students and teacher from Cedar Bluffs High School; 12 sixth grade students and teacher from Petersburg Public School; Amy Warner from Lincoln; and Francis and Rose Rauner from Hebron.

RECESS

At 11:53 a.m., on a motion by Senator 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 Senators Bohlke, Bruning, Coordsen, Dierks, Kremer, Landis, Matzke, Price, and Schmitt who were excused until they arrive.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1021. Placed on General File as amended.

Standing Committee amendment to LB 1021:

AM2841

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 49-1401, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 49-1401. Sections 49-1401 to 49-14,141 and sections 6
- 6 and 8 of this act shall be known and may be cited as the Nebraska
- 7 Political Accountability and Disclosure Act. Any reference to
- 8 sections 49-1401 to 49-14,138 shall be construed to include
- 9 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August
- 10 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be
- 11 construed to include sections 49-14,123.01 and 49-14,140.
- 12 Sec. 2. Section 49-1423, Reissue Revised Statutes of
- 13 Nebraska, is amended to read:
- 14 49-1423. ~~With the exception of sections 49-1480 to~~
- 15 ~~49-1492, gift as used in sections 49-1401 to 49-14,138~~ Gift shall
- 16 mean a payment, subscription, advance, forbearance, rendering, or
- 17 deposit of money, services, or anything of value, unless
- 18 consideration of equal or greater value is given therefor. Gift
- 19 shall not include a campaign contribution otherwise reported as
- 20 required by law, a commercially reasonable loan made in the
- 21 ordinary course of business, or a gift received from a member of
- 22 the individual's immediate family or from a relative.
- 23 Sec. 3. Section 49-1483, Reissue Revised Statutes of
- 24 Nebraska, is amended to read:
 - 1 49-1483. (1) Every registered lobbyist for each of his
 - 2 or her principals, and every principal employing a registered
 - 3 lobbyist, shall file a separate statement for each calendar quarter
 - 4 with the Clerk of the Legislature within fifteen days after the end
 - 5 of each calendar quarter.
 - 6 Each statement shall show the following:
 - 7 (a) The total amount received or expended directly or
 - 8 indirectly for the purpose of carrying on lobbying activities, with
 - 9 the following categories of expenses each being separately
 - 10 itemized: (i) Miscellaneous expenses; (ii) entertainment, including
 - 11 expenses for food and drink; (iii) lodging expenses; (iv) travel
 - 12 expenses; ~~and (v) lobbyist fees for lobbyist services~~ (v) lobbyist
 - 13 compensation, except that when a principal retains the services of
 - 14 a person who has only part-time lobbying duties, only the
 - 15 compensation paid which is reasonably attributable to influencing
 - 16 legislative action need be reported; ~~and (vi) lobbyist expense~~
 - 17 reimbursement; and (vii) admission to a state-owned facility or a
 - 18 state-regulated industry or event;
 - 19 (b) A detailed statement of any money which is loaned,

20 promised, or paid by a lobbyist, a principal, or anyone acting on
21 behalf of either to an official in the executive or legislative
22 branch or member of such official's staff. The detailed statement
23 shall identify the recipient and the amount and the terms of the
24 loan, promise, or payment; and

25 (c) The total amount expended for gifts disclosed on the
26 report filed pursuant to section 6 of this act.

27 (2)(a) The statement is not required to include office
1 expenses.

2 (b) For purposes of entertainment expenses reported under
3 subdivision (1)(a)(ii) of this section, the statement shall itemize
4 the aggregate amount spent on behalf of all officials in the
5 executive or legislative branch and staff members of such
6 officials.

7 (c) The lobbyist shall also file any changes or
8 corrections to the information set forth in the registration
9 required pursuant to section 49-1480 so as to reflect the
10 correctness of such information as of the end of each calendar
11 quarter for which such statement is required by this section.

12 (3) If a lobbyist does not expect to receive lobbying
13 receipts from or does not expect to make lobbying expenditures for
14 a principal, the quarterly statements required by this section as
15 to such principal need not be filed by the lobbyist if the
16 principal and lobbyist both certify such facts in writing to the
17 Clerk of the Legislature. A lobbyist exempt from filing quarterly
18 statements pursuant to this section shall (a) file a statement of
19 activity pursuant to section 49-1488 and (b) resume or commence
20 filing quarterly statements with regard to such principal starting
21 with the quarterly period the lobbyist receives lobbying receipts
22 or makes lobbying expenditures for such principal.

23 (4) If a principal does not expect to receive lobbying
24 receipts or does not expect to make lobbying expenditures, the
25 quarterly statements required pursuant to this section need not be
26 filed by the principal if the principal and lobbyist both certify
27 such facts in writing to the Clerk of the Legislature. A principal
1 exempt from filing quarterly statements pursuant to this section
2 shall commence or resume filing quarterly statements starting with
3 the quarterly period the principal receives lobbying receipts or
4 makes lobbying expenditures.

5 (5) For purposes of this section sections 49-1480 to
6 49-1492, calendar quarter shall mean the first day of January
7 through the thirty-first day of March, the first day of April
8 through the thirtieth day of June, the first day of July through
9 the thirtieth day of September, and the first day of October
10 through the thirty-first day of December.

11 Sec. 4. Section 49-1489, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 49-1489. Each lobbyist shall obtain and preserve all
14 accounts, bills, receipts, books, papers, and documents necessary

15 to substantiate the statements required to be made pursuant to
16 section 49-1483 for three years after the report containing those
17 items is filed. These records shall be made available for
18 inspection upon request by the commission after reasonable notice.
19 ~~Nothing in this section shall require that a receipt for any food~~
20 ~~and drink expenditure be kept if such expenditure is in an amount~~
21 ~~of less than twenty-five dollars.~~

22 Sec. 5. Section 49-1490, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 49-1490. (1) No principal, lobbyist, or person acting on
25 behalf of either shall within one calendar month give any gift or
26 gifts with a total value of more than fifty dollars to the
27 following:

1 (a) An official or employee in the executive branch of
2 state government;

3 (b) An official or employee in the legislative branch of
4 state government; or

5 (c) A member of the immediate family of an official in
6 the executive or legislative branch of state government.

7 (2) No official or employee in the executive or
8 legislative branch of state government shall within one calendar
9 month accept from a principal, lobbyist, or person acting on behalf
10 of either any gift or gifts with a total value of more than fifty
11 dollars.

12 (3) No member of the immediate family of an official in
13 the executive or legislative branch of state government shall
14 within one calendar month accept from a principal, lobbyist, or
15 person acting on behalf of either any gift or gifts with a total
16 value of more than fifty dollars.

17 (4) This section shall not apply to gifts referred to in
18 section 8 of this act.

19 (5) Any person who violates this section shall be guilty
20 of a Class III misdemeanor. (1) A principal, lobbyist, or anyone
21 acting on behalf of either shall not give a gift to any official or
22 member of any official's staff in the executive or legislative
23 branch of state government or any member of an official's immediate
24 family. Any person who knowingly gives a gift in violation of this
25 subsection shall be guilty of a Class III misdemeanor.

26 (2) An official or any other person on his or her behalf
27 in the legislative or executive branch of state government or a
1 member of such official's staff or immediate family shall not
2 solicit or accept a gift in violation of subsection (1) of this
3 section. Any person who knowingly solicits or accepts a gift in
4 violation of this subsection shall be guilty of a Class III
5 misdemeanor.

6 (3) As used in sections 49-1480 to 49-1492, gift shall
7 mean a payment, subscription, advance, forbearance, or honorarium
8 or the rendering or deposit of money, services, or anything of
9 value, the value of which exceeds fifty dollars in any one-month

- 10 period, unless consideration of equal or greater value is received
11 therefor. Gift shall not include:
- 12 (a) A campaign contribution otherwise reported as
13 required by law;
 - 14 (b) A commercially reasonable loan made in the ordinary
15 course of business;
 - 16 (c) A gift received from a member of the person's
17 immediate family, a relative, or the spouse of any such relative;
 - 18 (d) A breakfast, luncheon, dinner, or other refreshments
19 consisting of food and beverage provided for immediate consumption;
 - 20 (e) Admissions to state-regulated industries, facilities,
21 or events; or
 - 22 (f) The occasional provision of transportation within the
23 State of Nebraska to an officeholder.
- 24 Sec. 6. (1) Any principal, lobbyist, or person acting on
25 behalf of either who gives a gift to an official or employee in the
26 executive branch, an official or employee in the legislative
27 branch, or a member of the immediate family of an official in the
1 executive or legislative branch of state government shall report
2 the gift to the commission on a form prescribed by the commission.
- 3 (2) The report shall be filed with the Clerk of the
4 Legislature within fifteen days after the end of the calendar
5 quarter in which the gift is given. The report shall include the
6 following:
- 7 (a) The name of the person giving the gift and the name
8 of the principal or lobbyist on whose behalf the gift is given;
 - 9 (b) A description of the gift;
 - 10 (c) The value of the gift; and
 - 11 (d) The name and title of the recipient of the gift.
- 12 (3) Any person who violates this section shall be guilty
13 of a Class III misdemeanor.
- 14 Sec. 7. Section 49-1496, Reissue Revised Statutes of
15 Nebraska, is amended to read:
- 16 49-1496. (1) The statement of financial interests filed
17 pursuant to sections 49-1493 to 49-14,104 shall be on a form
18 prescribed by the commission.
- 19 (2) Individuals required to file under sections 49-1493
20 to 49-1495 shall file the following information for themselves:
- 21 (a) The name and address of and the nature of association
22 with any business with which the individual was associated and any
23 entity in which a position of trustee was held during the preceding
24 year;
 - 25 (b) The name, address, and nature of business of a
26 person, including a government, political subdivision, or body
27 corporate, from whom any income in the value of one thousand
1 dollars or more was received during the preceding year and the
2 nature of the services rendered. If income results from employment
3 by, operation of, or participation in a proprietorship,
4 partnership, limited liability company, professional corporation or

5 business or nonprofit corporation, or other person, the person may
6 list the proprietorship, partnership, limited liability company,
7 professional corporation or business or nonprofit corporation, or
8 other person as the source and not the patrons, customers,
9 patients, or clients of the proprietorship, partnership, limited
10 liability company, professional corporation or business or
11 nonprofit corporation, or other person;

12 (c) A description, but not the value, of the following,
13 if the fair market value thereof exceeded one thousand dollars: The
14 nature and location of all real property in the state, except the
15 residence of the individual; the depository of checking accounts
16 and savings accounts; the issuer of stocks, bonds, and government
17 securities; and a description of all other property owned or held
18 for the production of income, except property owned or used by a
19 business with which the individual was associated;

20 (d) The name and address of each creditor to whom the
21 value of one thousand dollars or more was owed or guaranteed by the
22 filer or a member of the filer's immediate family. Accounts
23 payable, debts arising out of retail installment transactions or
24 from loans made by financial institutions in the ordinary course of
25 business, loans from a relative, and land contracts that have been
26 properly recorded with the county clerk or the register of deeds
27 need not be included;

1 (e) The name, address, and occupation or nature of
2 business of any person from whom a gift in the value of more than
3 ~~one hundred fifty~~ one hundred fifty dollars was received, a description of the gift,
4 the monetary value category of the gift, and the circumstances of
5 each the gift. For purposes of this subdivision, the monetary
6 value of gifts shall be categorized as follows: Category (i): \$50 -
7 \$200; category (ii): \$200.01 - \$500; category (iii): \$500.01 -
8 \$1,000; and category (iv): \$1,000.01 or more; - The definition of
9 gift is as set forth in section 49-1423; and

10 (f) Such other information as the person required to file
11 the statement or the commission deems necessary, after notice and
12 hearing, to carry out the purposes of the Nebraska Political
13 Accountability and Disclosure Act.

14 Sec. 8. Nothing in the Nebraska Political Accountability
15 and Disclosure Act shall prohibit a gift, regardless of value, of
16 food for immediate consumption or of an admission to a state-owned
17 facility or a state-regulated industry or event.

18 Sec. 9. Original sections 49-1423, 49-1483, 49-1489,
19 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and
20 section 49-1401, Revised Statutes Supplement, 1999, are repealed."

(Signed) DiAnna R. Schimek, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 936A. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 936, Ninety-sixth Legislature, Second Session, 2000.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1399:
AM2832

(Amendments to Standing Committee amendments, AM2719)

- 1 1. Insert the following new section:
- 2 "Sec. 24. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions."
- 6 2. On page 4, line 12, after "(a)" insert "approved by
- 7 the State Department of Education, (b)"; and in line 14 after "do"
- 8 insert a comma and strike "(b)" and insert "(c)".
- 9 3. On page 6, line 9, strike the second "and"; and in
- 10 line 10 after "department" insert ", and (d) if a privately funded
- 11 college or university, has not opted out of the act pursuant to
- 12 rules and regulations".
- 13 4. On page 7, lines 5 and 17, after "accredited" insert
- 14 "or approved"; in line 17 strike "and actually teach"; and strike
- 15 beginning with "Loans" in line 21 through "basis" in line 23 and
- 16 insert "Eligible students may apply on an annual basis for loans in
- 17 an amount of not more than two thousand five hundred dollars per
- 18 year".
- 19 5. On page 8, line 3, strike "Revolving" and insert
- 20 "Cash".
- 21 6. On page 9, line 2, after the period insert "If a
- 22 borrower fails to remain enrolled at an eligible institution or
- 23 otherwise fails to meet the requirements of an eligible student,
- 1 repayment of the loan shall commence within six months after such
- 2 change in eligibility."; and strike beginning with "timely" in line
- 3 8 through "state" in line 9 and insert "employed as a teacher in
- 4 this state within six months of becoming certified".
- 5 7. On page 10, line 3, before "Each" insert "(1)"; in
- 6 line 10 strike "Revolving" and insert "Cash"; in line 12 before
- 7 "The" insert "(2)"; and after line 15 insert the following new
- 8 subsection:
- 9 "(3) Any report pursuant to this subsection which
- 10 includes information about borrowers shall exclude confidential
- 11 information or any other information which specifically identifies
- 12 a borrower."
- 13 8. Renumber the remaining section accordingly.

Senator Smith filed the following amendment to LB 1399:

AM2840

(Amendments to Standing Committee amendments, AM2719)

- 1 1. On page 1, line 9, before "Members" insert "(1)"; in
- 2 line 12 strike "(1)" and insert "(a)"; in line 14 strike "(2)" and
- 3 insert "(b)"; in line 16 strike "(3)" and insert "(c)"; in line 18
- 4 strike "(4)" and insert "(d)"; in line 19 strike "(5)" and insert
- 5 "(e)"; in line 20 strike "(6)" and insert "(f)"; in line 22 strike
- 6 "(7)" and insert "(g)"; and in line 24 strike "(8)" and insert
- 7 "(h)".
- 8 2. On page 1, lines 22 and 24; and page 2, lines 2 and
- 9 5, after "teacher" insert ", or former teacher as described in and
- 10 subject to the limitations of subsection (2) of this section,".
- 11 3. On page 2, line 2, strike "(9)" and insert "(i)"; in
- 12 line 5 strike "(10)" and insert "(j)"; in line 8 strike "(11)" and
- 13 insert "(k)"; in line 10 strike "(12)" and insert "(l)"; in line 11
- 14 strike "(13)" and insert "(m)"; in line 15 strike "(14)" and insert
- 15 "(n)"; in line 17 strike "(15)" and insert "(o)"; in line 19 before
- 16 "For" insert "(2)"; in line 20 strike "(7) through (10)" and insert
- 17 "(1)(g) through (1)(j)"; and in line 21 after "diversity" insert
- 18 "and up to one-half of such members may be former teachers who left
- 19 the profession for another career preceding appointment to the task
- 20 force".

Senator Smith filed the following amendment to LB 1399:

AM2839

(Amendments to Standing Committee amendments, AM2719)

- 1 1. On page 2, line 16, strike "and"; and in line 18
- 2 after "Office" insert "; and
- 3 (16) A former teacher who left the profession for another
- 4 career preceding appointment to the task force".

GENERAL FILE

LEGISLATIVE BILL 1217. Senator Thompson asked unanimous consent to replace her pending amendment, AM2778, found on page 1047, with a substitute amendment. No objections. So ordered.

Senator Thompson withdrew her amendment, AM2778, found on page 1047.

Senator Thompson offered the following substitute amendment:

AM2852

- 1 1. Insert the following new section:
- 2 "Sec. 71. Laws 1999, LB 878, section 56, is amended to
- 3 read:
- 4 Sec. 56. AGENCY NO. ~~65 25~~ -- DEPARTMENT OF
- 5 ~~ADMINISTRATIVE SERVICES HEALTH AND HUMAN SERVICES~~
- 6 Program No. 934 - ~~Juvenile Correctional Facilities~~
- 7 ~~Improvements 940 - Multipurpose Building - Youth Rehabilitation and~~

8	<u>Treatment Center - Geneva</u>			
9		FY1999-00	FY2000-01	FUTURE
10	<u>STATE BUILDING FUND</u>	-0-	2,200,000	-0-
11	<u>STATE BUILDING FUND</u>	-0-	2,200,000	970,848
12	<u>PROGRAM TOTAL</u>	-0-	2,200,000	-0-
13	<u>PROGRAM TOTAL</u>	-0-	2,200,000	970,848

14 The Department of Administrative Services is authorized
 15 to replace and renovate existing facilities at the Youth
 16 Rehabilitation and Treatment Center - Geneva and the Youth
 17 Rehabilitation and Treatment Center - Kearney.
 18 The Department of Health and Human Services is hereby
 19 authorized to construct a multipurpose building to house a ten-bed
 20 unit of Level 5 housing, a ten-bed unit of orientation housing, a
 21 dental/medical clinic, an infirmary, and counseling/general purpose
 22 meeting space at the Youth Rehabilitation and Treatment Center -
 23 Geneva. The purpose of the multipurpose building is to relieve the
 24 overcrowded conditions on the campus and provide more adequate
 1 space for specialized services.

2 There is included in the State Building Fund
 3 appropriation to this program \$2,200,000 for FY2000-01 and \$970,848
 4 for FY2001-02 to construct a multipurpose building at the Youth
 5 Rehabilitation and Treatment Center - Geneva.

6 It is the intent of the Legislature that all statutory
 7 requirements of the state building division of the Department of
 8 Administrative Services be met for this project before work
 9 begins."

10 2. In the Standing Committee amendments, AM2629, on page
 11 18, line 16, after "51," insert "56,".

12 3. Renumber the remaining sections accordingly.

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

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 772. Indefinitely postponed.
LEGISLATIVE BILL 1100. Indefinitely postponed.
LEGISLATIVE BILL 1270. Indefinitely postponed.
LEGISLATIVE BILL 1276. Indefinitely postponed.
LEGISLATIVE BILL 1303. Indefinitely postponed.
LEGISLATIVE BILL 1340. Indefinitely postponed.
LEGISLATIVE BILL 1353. Indefinitely postponed.
LEGISLATIVE BILL 1358. Indefinitely postponed.
LEGISLATIVE BILL 1398. Indefinitely postponed.
LEGISLATIVE BILL 1411. Indefinitely postponed.
LEGISLATIVE BILL 1412. Indefinitely postponed.

LEGISLATIVE BILL 1414. Indefinitely postponed.
LEGISLATIVE BILL 1418. Indefinitely postponed.
LEGISLATIVE BILL 1428. Indefinitely postponed.
LEGISLATIVE BILL 1429. Indefinitely postponed.

LEGISLATIVE RESOLUTION 293CA. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1214. Placed on Select File as amended.
 E & R amendment to LB 1214:
 AM7231

- 1 1. On page 1, strike beginning with "to" in line 3
- 2 through the semicolon in line 5 and insert "to change provisions
- 3 relating to transfers of funds and the Relief to Property Taxpayers
- 4 Act;".

LEGISLATIVE BILL 1214A. Placed on Select File.
LEGISLATIVE BILL 1215. Placed on Select File.

LEGISLATIVE BILL 1216. Placed on Select File as amended.
 E & R amendment to LB 1216:
 AM7232

- 1 1. On page 1, line 1, strike "funds" and insert
- 2 "government"; in line 8 strike "a fund" and insert "funds"; and in
- 3 line 11 after the semicolon insert "to change and eliminate powers
- 4 and duties of the Department of Administrative Services and State
- 5 Treasurer;".
- 6 2. On page 29, line 5, strike "(i)", show as stricken,
- 7 and insert "(a)"; in line 9 strike "(ii)", show as stricken, and
- 8 insert "(b)"; in line 11 strike "(iii)", show as stricken, and
- 9 insert "(c)"; in line 13 strike "(iv)" and insert "(d)"; in line 14
- 10 strike "(v)" and insert "(e)"; in line 17 strike "(vi)" and insert
- 11 "(f)"; and in line 20 strike "(vii)" and insert "(g)".

LEGISLATIVE BILL 414A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1217. Senator Chambers renewed his pending amendment, AM2819, found on page 1048.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Schrock asked unanimous consent to be excused. No objections. So ordered.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Pending.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 1135.

Enrollment and Review Change to LB 1135

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

ER9129

1. In the Brown amendment, AM2585, on page 9, line 7, "5" was struck and "4" inserted.

2. In the E & R amendment, AM7206:

a. On page 4, line 11, "or her" was inserted after "him"; and

b. On page 29, line 13, "43-2505, 43-2620," was inserted after the first comma and "71-1917," was inserted before "and"; in line 15 "to change a council;" was inserted after the semicolon; in line 19 "43-2506, 43-2611 to 43-2614," was inserted after the first comma; in line 22 "and" was struck; and in line 24 ", and sections 43-2610 and 43-2615, Revised Statutes Supplement, 1999" was inserted after "1998".

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 968:

AM2834

(Amendments to Standing Committee amendments, AM2432)

- 1 1. Insert the following new section:
- 2 "Sec. 57. All transactions of real property for which
- 3 the statement required in section 76-214 is filed shall be
- 4 available for development of a sales file for analysis of level of
- 5 value and quality of assessment for purposes of section 77-5027 and
- 6 for use by assessing officials in establishing assessed valuations.
- 7 All transactions for consideration of more than one hundred dollars

- 8 or upon which more than one dollar and seventy-five cents in
 9 documentary stamp taxes are paid shall be considered sales. All
 10 sales shall be deemed to be arm's length transactions unless
 11 determined to be otherwise. The Department of Property Assessment
 12 and Taxation shall not overturn a determination made by a county
 13 assessor regarding the qualification of a sale unless the
 14 department reviews the sale and determines through the review that
 15 the determination made by the county assessor is incorrect."
 16 2. Correct the operative date section so that the
 17 section added by this amendment becomes operative on its effective
 18 date with the emergency clause.
 19 3. Renumber the remaining sections accordingly.

Senator Tyson filed the following amendment to LB 1217:
 AM2804

- 1 1. Insert the following new section:
 2 "Sec. 27. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
 3 Program No. 973 - Improvements to Fish Production
 4 Facilities
- | | | |
|------------------------|------------------|------------------|
| | <u>FY1999-00</u> | <u>FY2000-01</u> |
| 6 <u>CASH FUND</u> | <u>200,000</u> | <u>-0-</u> |
| 7 <u>PROGRAM TOTAL</u> | <u>200,000</u> | <u>-0-</u> |
- 8 There is included in the appropriation to this program
 9 for FY1999-00 \$200,000 Cash Funds for the acquisition of rivers and
 10 streams.
 11 The June 30, 1999, reappropriated Cash Fund balance for
 12 reservoir construction is hereby reduced by \$200,000."
 13 2. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 715:
 (Amendment, AM2801, 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 1217. Senator Chambers moved to bracket until
 April 12, 2000.

Senators Kiel and Cudaback asked unanimous consent to be excused until
 they return. No objections. So ordered.

Senator Chambers withdrew his motion to bracket.

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

The Chambers pending amendment, AM2819, found on page 1048 and
 considered on page 1067, was renewed.

Senator Chambers offered the following amendment to his pending amendment:

FA323

Amend AM2819

P. 1, line 10 strike "~~15,999,953~~" and insert "16,000,053"

Senator Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment lost with 0 ayes, 17 nays, 27 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Senator Preister filed the following amendment to LB 1234:
AM2854

(Amendments to Standing Committee amendments, AM2553)

- 1 1. Strike section 5 and insert the following new
- 2 sections:
- 3 "Section 1. On or after the effective date of this act,
- 4 a retailer shall not offer for sale in this state any petroleum
- 5 product that contains more than one percent of methyl tertiary
- 6 butyl ether (MTBE) by volume. For purposes of this section,
- 7 retailer has the same definition as in section 66-482.
- 8 Sec. 6. Sections 2 to 5 of this act becomes operative on
- 9 January 1, 2001. The other sections of this act become operative
- 10 on their effective date."
- 11 2. Renumber the remaining sections and correct internal
- 12 references accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 1107 and 1107A.

Enrollment and Review Change to LB 1107

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

ER9130

1. In the Wickersham amendment, AM2717, on page 1, line 6, an underscored comma has been inserted after "shall".

2. On page 1, lines 2 and 3, "77-3442 and 79-1015.01" has been struck and "77-3442, 79-1015.01, and 79-1031" inserted; and in line 5 "to change a

duty to provide estimates;" has been inserted after the first semicolon.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT Revenue

LEGISLATIVE BILL 1124. Placed on General File as amended.
Standing Committee amendment to LB 1124:
AM2845

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. (1) The Greenbelt Advisory Committee is
- 4 established to assist and advise the Property Tax Administrator in
- 5 developing uniform and proportionate special valuation of
- 6 agricultural real property which is zoned for agricultural use and
- 7 subject to land use controls provided for in sections 77-1343 to
- 8 77-1348. The advisory committee shall provide advice to the
- 9 Property Tax Administrator and the Legislature on rules and
- 10 regulations under section 77-1346 and methods and practices of
- 11 state and local assessing officials for such special valuation.
- 12 The Property Tax Administrator shall respond to the recommendations
- 13 of the advisory committee and explain the basis for approval or
- 14 rejection of recommendations.
- 15 (2) The advisory committee shall consist of the following
- 16 members appointed by the Governor:
- 17 (a) An active farmer;
- 18 (b) An active rancher;
- 19 (c) A real estate appraiser with expertise in the
- 20 appraisal of agricultural real estate;
- 21 (d) A professor of agricultural economics at the
- 22 University of Nebraska Institute of Agriculture and Natural
- 23 Resources;
- 24 (e) An elected county assessor or a designee of the
- 1 county assessor; and
- 2 (f) A local planning and zoning official.
- 3 The members shall serve for terms of four years, except
- 4 that the Governor shall designate three of the initial members to
- 5 serve for two-year terms. The members shall select a chairperson
- 6 from the advisory committee's membership. The advisory committee
- 7 shall meet at least once annually.
- 8 (3) The advisory committee shall develop recommendations
- 9 on:
- 10 (a) When using comparable sales analysis for purposes of
- 11 establishing the special valuation under sections 77-1343 to
- 12 77-1348, how such information may be gathered from other counties
- 13 and locations within a county;
- 14 (b) When using an income capitalization approach for such
- 15 special valuation, the income and expense information to be used

16 and the appropriate method of gathering such information;
17 (c) When using the income capitalization approach, the
18 approved methods of determining the capitalization rate, including
19 methods of gathering valid comparable sales for purposes of
20 determining the capitalization rate on comparable agricultural
21 land; and
22 (d) Any further revisions to sections 77-1343 to 77-1348
23 as the committee deems important for uniform enforcement of such
24 sections and uniform special valuation of agricultural real
25 property.
26 (4) Methods and recommendations developed by the advisory
27 committee shall provide for an annually updated analysis based on a
1 three-year average of the information used. The advisory committee
2 may develop recommendations for valuation methods which provide for
3 special valuation of land used for specialized agricultural crop
4 production which is unique or localized to a specific area. The
5 recommendations shall be provided by October 1 each year.
6 (5) The Property Tax Administrator shall provide
7 administrative staff support and information as requested by the
8 advisory committee so long as provision of staff support and
9 information does not impair the ability of the Property Tax
10 Administrator to carry out other statutory obligations.
11 (6) Members shall be reimbursed for actual and necessary
12 expenses pursuant to sections 81-1174 to 81-1177.
13 Sec. 2. Since an emergency exists, this act takes effect
14 when passed and approved according to law."

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1217. Senator Chambers moved to reconsider the vote on the Chambers amendment, FA323, found on page 1070.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Lynch asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his motion to reconsider.

The Chambers pending amendment, AM2819, found on page 1048 and considered on pages 1067 and 1069, was renewed.

Senator 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 25 ayes, 15 nays, 3 present and

not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker renewed his pending amendment, AM2827, found on page 1049.

Senator Bourne asked unanimous consent to be excused. No objections. So ordered.

Senator Baker withdrew his amendment.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1349. Title read. Considered.

The Standing Committee amendment, AM2618, found on page 975, was considered.

Senators Schmitt and Engel asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 28 ayes, 6 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 8 nays, 3 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1369. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1328. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1379. Title read. Considered.

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 4 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1379A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1407. Title read. Considered.

The Standing Committee amendment, AM2597, found on page 870, was considered.

Pending.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 925:
AM2822

- 1 1. On page 3, line 17, after the third comma insert
- 2 "accredit, qualify for accreditation"; in line 19 after
- 3 "Licensure" insert "and in addition for prekindergarten child care
- 4 services, accredited by a nationally recognized early childhood
- 5 education organization"; in line 23 after "provides" insert
- 6 "prekindergarten"; and in line 27 after "providing" insert
- 7 "prekindergarten".
- 8 2. On page 4, line 6, after "(3)" insert "Any business
- 9 firm which provides child care services for only school-age
- 10 children shall be allowed a credit against the individual income
- 11 tax, corporate income tax, premium or related retaliatory tax, or
- 12 franchise tax equal to ten percent of the costs incurred by the
- 13 business firm in providing child care services for school-age
- 14 children of employees for each taxable year, up to twenty-five
- 15 percent of such business firm's total tax liability. Such credit
- 16 shall only be deducted from the business firm's tax liability for
- 17 the taxable year in which the expenditures occurred. The credit
- 18 may not be carried forward to the next taxable year. The credit
- 19 may be taken by the business firm for not more than three taxable
- 20 years.
- 21 (4)"; and in line 10 strike "(4)" and insert "(5)".

Senator Thompson filed the following amendment to LB 1399:
AM2857

(Amendments to Standing Committee amendments, AM2719)

- 1 1. Insert the following new section:
- 2 "Sec. 24. If any section in this act or any part of any
- 3 section is declared invalid or unconstitutional, the declaration
- 4 shall not affect the validity or constitutionality of the remaining
- 5 portions."

- 6 2. On page 4, line 12, after "(a)" insert "approved by
7 the State Department of Education, (b)"; in line 14 after "do"
8 insert a comma and strike "(b)" and insert "(c)"; and in line 20
9 after "accredited" insert "or approved".
- 10 3. On page 6, line 9, strike the second "and"; and in
11 line 10 after "department" insert ", and (d) if a privately funded
12 college or university, has not opted out of the act pursuant to
13 rules and regulations".
- 14 4. On page 7, lines 5 and 17, after "accredited" insert
15 "or approved"; in line 17 strike "and actually teach"; and strike
16 beginning with "Loans" in line 21 through "basis" in line 23 and
17 insert "Eligible students may apply on an annual basis for loans in
18 an amount of not more than two thousand five hundred dollars per
19 year".
- 20 5. On page 8, line 3, strike "Revolving" and insert
21 "Cash".
- 22 6. On page 9, line 2, after the period insert "If a
23 borrower fails to remain enrolled at an eligible institution or
1 otherwise fails to meet the requirements of an eligible student,
2 repayment of the loan shall commence within six months after such
3 change in eligibility."; strike beginning with "timely" in line 8
4 through "state" in line 9 and insert "employed as a teacher in this
5 state within six months of becoming certified"; and in line 26
6 strike "becomes" and insert "may be".
- 7 7. On page 10, line 2, after "Service" insert "if
8 required by the Internal Revenue Code"; in line 3 before "Each"
9 insert "(1)"; in line 10 strike "Revolving" and insert "Cash"; in
10 line 12 before "The" insert "(2)"; and after line 15 insert the
11 following new subsection:
12 "(3) Any report pursuant to this subsection which
13 includes information about borrowers shall exclude confidential
14 information or any other information which specifically identifies
15 a borrower."
- 16 8. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 34 fourth grade students and teachers from Elmwood-Murdock Public School, Elmwood; and 25 high school students, teacher, and principal from Pleasanton.

ADJOURNMENT

At 6:22 p.m., on a motion by Senator Beutler, the Legislature adjourned until 9:00 a.m., Wednesday, March 15, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 15, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 2000

PRAYER

The prayer was offered by Pastor Casey Karges, United Methodist Church, Gretna, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Coordsen, Hartnett, Kiel, Kristensen, Landis, Lynch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LB/LR	Committee
LR 320	Executive Board

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 1407. The Standing Committee amendment, AM2597, found on page 870 and considered on page 1074, was renewed.

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

AM2861

(Amendments to Standing Committee amendments, AM2597)

- 1 1. On page 1, line 3, strike "may" and insert "shall".

SENATOR CUDABACK PRESIDING

Senators Raikes and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Speaker Kristensen ordered the removal of LB 1407 from the agenda.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1348A. 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 1348, Ninety-sixth Legislature, Second Session, 2000.

STANDING COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 1370. Placed on General File as amended.

Standing Committee amendment to LB 1370:

AM2763

- 1 1. Strike original sections 1 and 10 to 13 and insert
- 2 the following new sections:
- 3 "Sec. 3. Any active emergency responder, active rescue
- 4 squad member, or active volunteer firefighter shall qualify for
- 5 service award benefit payments pursuant to section 35-1312 or
- 6 35-1313 notwithstanding that such active emergency responder,
- 7 active rescue squad member, or active volunteer firefighter may
- 8 have qualified through active service in ten years within a
- 9 consecutive fifteen-year period on two or more different volunteer
- 10 departments if each volunteer department in which such active years
- 11 of service were performed was conducting a service award benefit
- 12 program. Any active emergency responder, active rescue squad
- 13 member, or active volunteer firefighter qualifying for service
- 14 award benefit payments through active service in two or more
- 15 volunteer departments shall receive, at the time service award

16 benefit payments are made, his or her nonforfeitable interest in
17 the annual accounts of each volunteer department for each year in
18 which he or she was listed on the certification list for a year of
19 service.

20 Sec. 7. Section 35-1312, Revised Statutes Supplement,
21 1999, is amended to read:

22 35-1312. (1) Except as provided in section 35-1313,
23 service award benefits provided under a service award benefit
24 program shall be paid to a participant only upon the date he or she
1 reaches the age of sixty-five or upon July 1 after the first year
2 of service in which such participant was not on the certification
3 list of his or her volunteer department, whichever is later, if the
4 participant has been an active emergency responder, active rescue
5 squad member, or active volunteer firefighter for not less than ten
6 consecutive years of service within a consecutive fifteen-year
7 period.

8 (2) Upon the completion of ten consecutive years of
9 service within a consecutive fifteen-year period, the participant
10 shall have a nonforfeitable interest in the annual accounts of all
11 years of service in which such participant is listed on the
12 certification list. Such interest is equivalent to a proportionate
13 equal share with all other participants listed on the certification
14 list for a year of service in (a) the principal amount of all
15 contributions deposited into the annual account for such year of
16 service and (b) all income derived therefrom.

17 Sec. 8. Section 35-1313, Revised Statutes Supplement,
18 1999, is amended to read:

19 35-1313. (1)(a) Service award benefits shall be paid to
20 a participant as provided in subsection (1) of section 35-1312
21 notwithstanding that such participant has not been an active
22 emergency responder, active rescue squad member, or active
23 volunteer firefighter for ten consecutive years of service if such
24 participant has qualified as an active emergency responder, active
25 rescue squad member, or active volunteer firefighter in ten years
26 of service out of eleven consecutive years of service if in the
27 year of service in which such participant did not qualify such
1 failure was due (i) to a period during the year of service in the
2 armed forces of the United States upon active duty or (ii) to an
3 injury or disability incurred by the participant and directly
4 related to the participant's duties or activities as a volunteer
5 member of the volunteer department.

6 (b) Upon the completion of ten years of service pursuant
7 to this subsection, the participant shall have a nonforfeitable
8 interest in the annual accounts of all years of service in which
9 such participant is listed on the certification list. Such
10 interest is equivalent to a proportionate equal share with all
11 other participants listed on the certification list for a year of
12 service in (i) the principal amount of all contributions deposited
13 into the annual account for such year of service and (ii) all

14 ~~income derived therefrom.~~

15 (2) (1) Service award benefits shall be paid to a
16 participant as provided in subsection (1) of section 35-1312
17 notwithstanding that such participant had not been an active
18 emergency responder, active rescue squad member, or active
19 volunteer firefighter for ten ~~consecutive~~ years of service if
20 within a fifteen-year period if during such fifteen-year period
21 such participant suffered a permanent disability resulting from an
22 injury incurred by the participant and directly related to the
23 participant's duties or activities as a volunteer member of the
24 volunteer department which disqualified the participant from
25 further service as a volunteer. At the time such disability is
26 confirmed and certified to the governing body of the city, village,
27 or rural or suburban fire protection district conducting the
1 service award benefit program, the participant shall have a
2 nonforfeitable interest in the annual accounts of all years of
3 service in which such participant is listed on the certification
4 list. Such interest is equivalent to a proportionate equal share
5 with all other participants listed on the certification list for a
6 year of service in (a) the principal amount of all contributions
7 deposited into the annual account for such year of service and (b)
8 all income derived therefrom.

9 (3) (2) Service award benefits shall be paid to the
10 beneficiary of a participant notwithstanding that such participant
11 has not been an active emergency responder, active rescue squad
12 member, or active volunteer firefighter for ten ~~consecutive~~ years
13 of service within a consecutive fifteen-year period if such
14 participant dies in the course of his or her active service as a
15 volunteer member of a volunteer department or dies as the result of
16 injuries incurred by the participant directly related to his or her
17 duties or activities as a volunteer member of a volunteer
18 department. At the time of the participant's death, the
19 beneficiary of the participant shall have a nonforfeitable interest
20 in the annual accounts of all years of service in which the
21 participant is listed on the certification list. Such interest is
22 equivalent to a proportionate equal share with all other
23 participants listed on the certification list for a year of service
24 in (a) the principal amount of all contributions deposited into the
25 annual account for such year of service and (b) all income derived
26 therefrom.

27 (4) (3) Service award benefits shall be paid to the
1 beneficiary of a participant upon the death of a participant
2 notwithstanding that such participant had not reached the age of
3 sixty-five if such participant would have been entitled to receive
4 service award benefits at age sixty-five pursuant to subsection (1)
5 of section 35-1312 or subsection (1) ~~or (2)~~ of this section.
6 Sec. 12. Section 35-1318, Revised Statutes Supplement,
7 1999, is amended to read:
8 35-1318. No Except as provided in section 3 of this act,

9 no participant in a service award benefit program shall participate
10 in or receive a service award benefit from more than one service
11 award benefit program. Any person who is a paid member of a fire
12 department or other emergency response organization and who
13 receives retirement benefits in consequence of such employment
14 shall not be eligible to participate in any service award benefit
15 program being conducted by the same city, village, or rural or
16 suburban fire protection district which employs the person or which
17 contracts for emergency response services with the fire department
18 or emergency response organization which employs the person.

19 Sec. 13. Section 77-2701, Revised Statutes Supplement,
20 1998, is amended to read:

21 77-2701. Sections 77-2701 to 77-27,135.01 and section 14
22 of this act shall be known and may be cited as the Nebraska Revenue
23 Act of 1967.

24 Sec. 14. (1) There is hereby imposed a sales tax at the
25 rate of five percent upon the gross receipts from the sales of
26 fireworks sold at retail in this state. The tax imposed by this
27 section is in addition to the tax imposed in section 77-2703 and
1 shall be collected and enforced as if imposed pursuant to that
2 section.

3 (2) For the purpose of more efficiently securing the
4 payment, collection, and accounting for the sales and for the
5 convenience of the retailer in collecting the sales tax, the Tax
6 Commissioner shall adopt and promulgate rules and regulations
7 prescribing schedules of the amounts to be collected from the
8 consumer or user to effectuate the computation and collection of
9 the tax imposed by this section.

10 (3) The proceeds of the sales tax collected under this
11 section shall be remitted to the State Treasurer for credit to the
12 Nebraska Service Award Benefit Fund.

13 Sec. 15. Section 77-27,132, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 77-27,132. (1) There is hereby created a fund to be
16 designated the Revenue Distribution Fund which shall be set apart
17 and maintained by the Tax Commissioner. Revenue not required to be
18 credited to the General Fund or any other specified fund may be
19 credited to the Revenue Distribution Fund. Credits and refunds of
20 such revenue shall be paid from the Revenue Distribution Fund. The
21 balance of the amount credited, after credits and refunds, shall be
22 allocated as provided by the statutes creating such revenue.

23 (2) The Tax Commissioner shall pay to a depository bank
24 designated by the State Treasurer all amounts collected under the
25 Nebraska Revenue Act of 1967 except as provided in section 14 of
26 this act. The Tax Commissioner shall present to the State
27 Treasurer bank receipts showing amounts so deposited in the bank,
1 and of the amounts so deposited the State Treasurer shall credit to
2 the Highway Trust Fund all of the proceeds of the sales and use
3 taxes derived from motor vehicles, trailers, and semitrailers. The

- 4 balance of the amounts so paid shall be credited to the General
5 Fund.
- 6 Sec. 16. Original sections 35-1207 and 77-27,132,
7 Reissue Revised Statutes of Nebraska, section 77-2701, Revised
8 Statutes Supplement, 1998, and sections 35-1301 to 35-1303, 35-1311
9 to 35-1313, 35-1315, 35-1316, and 35-1318, Revised Statutes
10 Supplement, 1999, are repealed."
- 11 2. On page 3, line 21, strike "section 9" and insert
12 "sections 3 and 11".
- 13 3. On page 13, line 1, strike "it" and insert "he or
14 she"; and in line 26 strike "9" and insert "11".
- 15 4. Renumber the remaining sections accordingly.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 1092:
AM2802

(Amendments to E & R amendments, AM7225)

- 1 1. On page 1, line 15, after "that" insert ", if the
2 report provided under section 4 of this act finds the program
3 feasible,".
- 4 2. On page 3, line 7, after the period insert "The
5 report shall include an analysis of whether or not a state meat
6 inspection program is feasible, meaning that there is interest
7 among processors and producers to use the program and the program
8 would provide economic benefit to the state. If the analysis
9 concludes that the state meat inspection program is not feasible,
10 the pilot program shall not be initiated."

Senator Wehrbein filed the following amendment to LB 1381:
AM2807

- 1 1. Insert the following new sections:
2 "Sec. 12. Section 90-404, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 90-404. (1) The Game and Parks Commission may enter into
5 an agreement to accept as a gift from the Nebraska Game and Parks
6 Foundation all of the real estate described as Lot 1 in the
7 northwest quarter of the northwest quarter of section 8, township 8
8 north, range 14 east, Otoe County, Nebraska, except that part of
9 Lot 1, commencing at the northwest corner of Lot 1, thence east 265
10 feet, thence south 462 feet, thence west 265 feet to a point on the
11 west line of Lot 1, thence north 462 feet to the place of
12 beginning, also described as the east 678.14 feet of Lot 1, all
13 located in Otoe County, Nebraska, containing 7.1 acres more or less
14 and including all gas, oil, and mineral rights.
15 (2) The Game and Parks Commission may enter into an
16 agreement to accept as a gift from the United States Government all

17 of the real estate described as a tract of land situated in the
 18 southwest quarter of section 8, township 8 north, range 14 east of
 19 the 6th principal meridian, Otoe County, Nebraska, more
 20 particularly described as follows: Commencing at the northeast
 21 corner of said southwest quarter of section 8; thence west 990.00
 22 feet; thence south to a point that intersects the north
 23 right-of-way line of State Highway No. 2, said intersection being
 24 the point of beginning; thence easterly along said north
 1 right-of-way line of State Highway No. 2, for a distance of 200
 2 feet; thence north 400 feet; thence west 200 feet; thence south to
 3 the point of beginning, all located in Otoe County, Nebraska,
 4 containing 1.84 acres, more or less, or 80,000 square feet.
 5 (3) In consideration of such ~~conveyance~~ conveyances, the
 6 commission agrees that the land shall be designated and utilized as
 7 an ~~addition~~ additions to Arbor Lodge State Historical Park.
 8 Sec. 13. Sections 12, 14, and 17 become operative on
 9 their effective date. The other sections of this act become
 10 operative ninety days after adjournment of this legislative
 11 session.
 12 Sec. 14. Original section 90-404, Reissue Revised
 13 Statutes of Nebraska, is repealed.
 14 Sec. 17. Since an emergency exists, this act takes
 15 effect when passed and approved according to law."
 16 2. On page 3, line 8, strike "effective date of this
 17 act" and insert "operative date of this section".
 18 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1427. Title read. Considered.

The Standing Committee amendment, AM2662, printed separately and referred to on page 935, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1448. Title read. Considered.

The Standing Committee amendment, AM2511, found on page 777, was considered.

Senator Vrtiska offered the following amendment to the Standing Committee amendment:
 AM2865

(Amendments to Standing Committee amendments, AM2511)

- 1 1. Insert the following new amendment:
- 2 "1. On page 2, after line 8 insert
- 3 'Claim No. 99-222, against the Attorney General's
- 4 office, pay to Kent Turnbull, 301 N. Jeffers, Suite
- 5 101A, North Platte, NE 69101, out of
- 6 the General Fund. 3,950.00'."
- 7 2. On page 1, line 6, strike "274,636.77" and insert
- 8 "274,586.77"; and in line 7 strike "297,836.77" and insert
- 9 "297,786.77".
- 10 3. Renumber the remaining amendments accordingly.

The Vrtiska amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator D. Pederson renewed his pending amendment, AM2659, found on page 920.

The D. Pederson 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, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1399. Considered.

PRESIDENT MAURSTAD PRESIDING

The Standing Committee amendment, AM2719, found on page 987, was considered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1427A. 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 1427, Ninety-sixth Legislature, Second Session, 2000.

AMENDMENTS - Print in Journal

Senators Suttle, Jensen, Dierks, Byars, and Thompson filed the following

amendment to LB 1115:

(Amendment, AM2525, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Schmitt filed the following amendment to LB 1234:

AM2572

(Amendments to Standing Committee amendments, AM2553)

- 1 1. On page 1, line 11, strike "(a)"; and strike
- 2 beginning with the second "or" in line 12 through "aircraft" in
- 3 line 13.

Senator Schmitt filed the following amendment to LB 1234:

AM2573

(Amendments to Standing Committee amendments, AM2553)

- 1 1. On page 1, line 12, after "octane" insert "and
- 2 containing no renewable fuel".

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 311, 312, and 313 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 311, 312, and 313.

GENERAL FILE

LEGISLATIVE BILL 1399. The Standing Committee amendment, AM2719, found on page 987 and considered on page 1084, was renewed.

Senator Bohlke renewed her pending amendment, AM2829, found on page 1049, to the Standing Committee amendment.

The Bohlke amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Thompson asked unanimous consent to replace her pending amendment, AM2832, found on page 1064, with a substitute amendment. No objections. So ordered.

Senator Thompson withdrew her amendment, AM2832, found on page 1064.

Senator Thompson renewed her substitute pending amendment, AM2857, found on page 1074, to the Standing Committee amendment.

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

Senator Smith renewed his pending amendment, AM2840, found on page 1064, to the Standing Committee amendment.

The Smith amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Smith renewed his pending amendment, AM2839, found on page 1065, to the Standing Committee amendment.

The Smith amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senators Robak and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

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

FA327

Amend AM2719

Page 4, line 24 after "dollars" insert "up to a statewide total of one million dollars. If more than one hundred thirty three teachers qualify for the bonus, the bonuses shall be reduced such that each qualified Master Teacher receives the same amount and the statewide total does not exceed one million dollars."

Page 5, line 24 insert:

Up to forty eligible teachers shall receive the first half of a registration award each year.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1092A. 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 1092, Ninety-sixth Legislature, Second Session, 2000.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 1348. Placed on Select File as amended.

E & R amendment to LB 1348:

AM7233

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Sections 1 to 10 of this act shall be known
4 and may be cited as the Nebraska Agricultural and Rural
5 Opportunities Act.

6 Sec. 2. (1) The Legislature finds that there is a
7 serious economic crisis in most of rural Nebraska, particularly in
8 the agricultural and rural sector of the economy.

9 (2) The Legislature finds that there is a need in rural
10 Nebraska to develop strategies and programs to create genuine
11 economic opportunities that enable people to improve their incomes,
12 avoid poverty, build assets, and develop their capacity to
13 contribute to the betterment of their communities.

14 (3) The Legislature finds that strong communities enable
15 local residents to be more self-sufficient, which contributes to
16 the overall strength and well-being of Nebraska.

17 (4) The Legislature finds that there is a need to:

18 (a) Support self-employment and small-scale
19 entrepreneurship in both agricultural and nonagricultural
20 activities;

21 (b) Enhance income and opportunities for farming and
22 ranching operations to stem the decline in the number of such
23 operations;

24 (c) Develop strategies and programs to increase the
1 farming and ranching operations share of the food system profit;
2 and

3 (d) Build the capacity of farming and ranching operations
4 and small rural businesses to benefit from the development of
5 electronic commerce.

6 Sec. 3. For purposes of the Nebraska Agricultural and
7 Rural Opportunities Act, farming or ranching operation means the
8 active use, management, and operation of real and personal property
9 for the production of crops or raising of livestock.

10 Sec. 4. (1) An agricultural and rural opportunities
11 grant program shall be administered by the Department of
12 Agriculture as provided in sections 4 to 8 of this act.

13 (2) The purposes of the agricultural and rural
14 opportunities grant program are to:

15 (a) Enhance the income and opportunity for farming and
16 ranching operations in Nebraska and to stem the decline in their
17 numbers;

18 (b) Increase the farming and ranching operations' share
19 of the food system profit;

20 (c) Enhance the economic and social viability of rural
21 communities in Nebraska that depend on agricultural production;

22 (d) Support small enterprise formation in the
23 agricultural sector of Nebraska's rural economy;

24 (e) Support the development of agricultural communities
25 and economic opportunity through innovative uses of Nebraska's land
26 and water resources, while conserving and strengthening resource
27 quality for current and future generations; and

- 1 (f) Enhance opportunities for farming and ranching
2 operations to participate in electronic commerce and new and
3 emerging markets that strengthen rural economic opportunities.
4 Sec. 5. (1) The Department of Agriculture shall
5 establish a system to provide agricultural and rural opportunities
6 grants of up to seventy-five thousand dollars annually to
7 organizations and entities for the purposes specified in section 4
8 of this act. Eligible entities for such grants shall include
9 communities, counties, agencies, educational institutions, economic
10 development providers, nonprofit corporations, agricultural
11 cooperatives, agricultural associations, agricultural marketing
12 associations or entities, resource conservation and development
13 areas, and development districts.
14 (2) Grants provided under the agricultural and rural
15 opportunities grant program shall directly address one or more of
16 the purposes specified in section 4 of this act and shall result in
17 private new enterprise formation or expanded incomes and economic
18 opportunities for existing enterprises. The applications selected
19 for funding shall be those that make the greatest contribution to
20 increasing the number and quality of self-employment opportunities
21 in farming and ranching operations.
22 (3) Grants may be used to support projects in the
23 following areas:
24 (a) Research;
25 (b) Education and training;
26 (c) Market development;
27 (d) Business planning assistance, feasibility and market
1 studies, capitalization plans, and technical assistance;
2 (e) Development of cooperatives;
3 (f) Community and multi-community initiatives;
4 (g) Retention and transfer of agricultural and
5 nonagricultural businesses in rural communities;
6 (h) Community-based farmer-owned or rancher-owned
7 value-added initiatives; and
8 (i) Other activities that are deemed necessary to fulfill
9 the purposes specified in section 4 of this act.
10 Sec. 6. (1) To be eligible for an agricultural and rural
11 opportunities grant, an applicant shall:
12 (a) Document a matching amount in money or in-kind
13 contributions or a combination of both equal to twenty-five percent
14 of the grant funds requested;
15 (b) Specify measurable goals and expected outcomes for
16 the project for which the grant funds are requested; and
17 (c) Specify an evaluation and impact assessment process
18 or procedure for the project for which the grant funds are
19 requested.
20 (2) Grant funds may only be administered by an entity or
21 organization eligible to receive grants under section 5 of this
22 act. A recipient of a grant shall not use the grant funds to

23 replace other funding for the administrative support of the
24 recipient.

25 (3) A recipient of a grant under section 5 of this act
26 shall not receive more than one grant in any one calendar year for
27 the same project.

1 (4) Grants awarded pursuant to this section shall be
2 awarded on a one-year basis but may be renewed on an annual basis
3 for no more than three years. The Department of Agriculture shall
4 develop an annual performance review process and a program for
5 grant renewal of approved projects determined to have continued
6 necessary statewide application and success, given the purposes
7 specified in section 4 of this act.

8 (5) For purposes of this section, project means any
9 activity designed to promote the purposes specified in section 4 of
10 this act. Project does not mean, and grant funds shall not be used
11 for, any activity primarily designed to contribute to a single
12 business, enterprise, or individual or designed to subsidize an
13 existing farming or ranching operation.

14 Sec. 7. The Department of Agriculture shall submit an
15 annual report to the Governor and Legislature on or before January
16 1 listing the recipients and grant amounts made under the
17 agricultural and rural opportunities grant program as provided in
18 sections 4 to 8 of this act in the previous year, the documented
19 and measurable impacts of the grants, and an evaluation of the
20 program's performance based on the measurable goals and expected
21 outcomes of the recipients of the grants. Copies of the program
22 performance evaluation shall be made available through print and
23 electronic media.

24 Sec. 8. The Department of Agriculture shall adopt and
25 promulgate rules and regulations to carry out the agricultural and
26 rural opportunities grant program. The department shall coordinate
27 projects funded by grants under section 5 of this act with other
1 organizations or institutions working on similar projects in the
2 state.

3 Sec. 9. The Agricultural and Rural Opportunities Cash
4 Fund is created. The fund shall be used by the Department of
5 Agriculture for grants awarded pursuant to the Nebraska
6 Agricultural and Rural Opportunities Act. Money credited to the
7 fund shall include any monetary gifts, grants, donations, proceeds
8 from contracts for services, and reimbursement of expenses. The
9 department shall seek money from sources such as, but not limited
10 to, federal funds, commodity checkoff funds, private donations, and
11 private grants. All such funds shall be credited to the
12 Agricultural and Rural Opportunities Cash Fund. Any money in the
13 fund available for investment shall be invested by the state
14 investment officer pursuant to the Nebraska Capital Expansion Act
15 and the Nebraska State Funds Investment Act. No funds shall be
16 received or accepted for the Agricultural and Rural Opportunities
17 Cash Fund that are designated for the purpose or the benefit of a

18 single business, enterprise, or individual.

19 Sec. 10. The Nebraska Agricultural and Rural

20 Opportunities Act shall terminate on June 30, 2005.

21 Sec. 11. It is the intent of the Legislature to

22 appropriate in each of fiscal years 2001-02 and 2002-03:

23 (1) One million dollars to fund the agricultural and

24 rural opportunities grant program under the Nebraska Agricultural

25 and Rural Opportunities Act; and

26 (2) Eight hundred seventy-five thousand dollars to the

27 Microenterprise Partnership Program as specified in the

1 Microenterprise Development Act.

2 Sec. 12. Section 81-1299, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 81-1299. The department shall establish the

5 Microenterprise Partnership Program. In order to implement the

6 program, the department:

7 (1) Shall provide grants of up to ~~twenty-five thousand~~

8 dollars to microloan delivery organizations for the purposes

9 specified in the Microenterprise Development Act. ~~If, upon~~

10 determination during the selection process that an applicant is

11 making a significant contribution to unserved communities and

12 neighborhoods and would enhance the act's purpose of establishing a

13 statewide network of microloan delivery organizations, grants of up

14 to fifty thousand dollars may be provided To the maximum extent

15 possible, the selection process should assure that the distribution

16 of such grants provides equitable access to the act's benefits by

17 all geographic areas of the state;

18 (2) May engage in contractual relationships with

19 statewide microlending support organizations which shall serve as

20 agents for the department in order to effect the purposes and

21 fulfill the requirements of the act; and

22 (3) May identify and coordinate other state and federal

23 sources of funds which may be available to the department to

24 enhance the state's ability to facilitate program grants pursuant

25 to the program.

26 Sec. 13. Section 81-12,102, Reissue Revised Statutes of

27 Nebraska, is amended to read:

1 81-12,102. The granting of any appropriated funds to a

2 microloan delivery organization must meet the following

3 qualifications:

4 (1) Granted funds must be matched by nonstate funds

5 equivalent in money or in kind ~~equal to one dollar for each one~~

6 dollar ~~in-kind contributions or a combination of both equal to~~

7 ~~twenty-five percent~~ of the grant funds requested. Such matching

8 funds can come from any nonstate source, including private

9 foundations, federal or local government sources,

10 quasi-governmental entities or commercial lending institutions, or

11 any other funds whose source does not include funds appropriated

12 from the Legislature; and

13 (2) At least fifty percent of microloan funds must be
 14 disbursed by the microloan delivery organizations in microloans
 15 which do not exceed ten thousand dollars.
 16 Sec. 14. Section 81-12,103, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 81-12,103. When engaging in contractual relationships
 19 with a statewide microlending support organization the department
 20 shall:
 21 (1) Require that appropriated funds to a statewide
 22 microlending support organization be matched by nonstate funds
 23 equivalent in money or ~~in kind equal to one dollar for each one~~
 24 ~~dollar in-kind contributions or a combination of both equal to~~
 25 twenty-five percent of the grant funds requested. Such matching
 26 funds can come from any nonstate source, including private
 27 foundations, federal or local government sources,
 1 quasi-governmental entities or commercial lending institutions, or
 2 any other funds whose source does not include funds appropriated
 3 from the Legislature. Such appropriated funds and matched funds
 4 shall be determined in the contractual agreement to be subject to
 5 the matching requirements required by the Microenterprise
 6 Development Act for the purposes of making grants to microloan
 7 delivery organizations;
 8 (2) Require the statewide microlending support
 9 organization to make and administer grants as specified by the
 10 purposes and granting criteria provided by the act; and
 11 (3) Require that no greater than ten percent of the
 12 appropriated or contracted funds are used for operating or
 13 administering the grant program provided by the act.
 14 Sec. 15. Original sections 81-1299, 81-12,102, and
 15 81-12,103, Reissue Revised Statutes of Nebraska, are repealed."
 16 2. On page 1, line 4, strike "to state intent" and
 17 insert "to provide a termination date; to state intent relating to
 18 appropriations".

(Signed) Adrian M. Smith, Chairperson

VISITORS

Visitors to the Chamber were Andrew Carr from Nebraska City; Kylie Brand from Seward, Bryon Schafersman from Hooper, and Sherman Berg; 25 fourth grade students and teacher from Pawnee City Elementary School; and 27 fourth grade students and teacher from St. Mary's School, Omaha.

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., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Dierks, Jensen, Landis, and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1399. The Thompson pending amendment, FA327, found on page 1086, to the Standing Committee amendment, was renewed.

The Thompson amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

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

FA326

Amend AM2719

Strike Sections 7 to 14 and renumber accordingly

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

Senator Tyson moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Tyson requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Baker	Bromm	Chambers	Jensen	Jones
Kremer	Kristensen	Schmitt	Tyson	Wehrbein

Voting in the negative, 34:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bruning	Byars	Connealy	Coordsen	Cudaback
Dickey	Hartnett	Hilgert	Hudkins	Janssen
Kiel	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wickersham	

Present and not voting, 4:

Brown Crosby Dierks Engel

Excused and not voting, 1:

Robak

The Tyson amendment lost with 10 ayes, 34 nays, 4 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 1003:
AM2881

(Amendments to Standing Committee amendments, AM2695)

- 1 1. On page 5, line 21, after "trust" insert "as provided
- 2 in section 81-8,239.01".

Senator Suttle filed the following amendment to LB 1115:
AM2875

- 1 1. Insert the following new sections:
- 2 "Sec. 77. Sections 77 to 80 of this act shall be known
- 3 and may be cited as the Nebraska Center for Nursing Act.
- 4 Sec. 78. The Legislature finds that it is imperative
- 5 that the State of Nebraska protect its investment and the progress
- 6 made in its efforts to alleviate the nursing shortage which exists.
- 7 The Legislature also finds that the Nebraska Center for Nursing
- 8 will provide the appropriate means to do so. It is the intent of
- 9 the Legislature to appropriate funds necessary for the center to
- 10 carry out the Nebraska Center for Nursing Act.
- 11 Sec. 79. The Nebraska Center for Nursing is established.
- 12 The center shall address issues of supply and demand for nurses,
- 13 including issues of recruitment, retention, and utilization of
- 14 nurses. The Legislature finds that the center will repay the
- 15 state's investment by providing an ongoing strategy for the
- 16 allocation of the state's resources directed towards nursing. The
- 17 primary goals for the center are:
- 18 (1) To develop a strategic statewide plan to alleviate
- 19 the nursing shortage in Nebraska by:
- 20 (a) Establishing and maintaining a data base on nursing
- 21 supply and demand in Nebraska, including current supply and demand
- 22 and future projections; and
- 23 (b) Selecting priorities from the plan to be addressed;
- 24 (2) To convene various groups representative of nurses,
- 1 other health care providers, business and industry, consumers,
- 2 legislators, and educators to:

- 3 (a) Review and comment on data analysis prepared for the
4 center;
5 (b) Recommend systemic changes, including strategies for
6 implementation of recommended changes; and
7 (c) Evaluate and report the results of these efforts to
8 the Legislature and the public; and
9 (3) To enhance and promote recognition, reward, and
10 renewal activities for nurses by:
11 (a) Proposing and creating reward, recognition, and
12 renewal activities; and
13 (b) Promoting media and positive image-building efforts
14 for nursing.
15 Sec. 80. (1) The Nebraska Center for Nursing Board is
16 created. The board shall be a policy-setting board for the
17 Nebraska Center for Nursing. The board shall be appointed by the
18 Governor as follows:
19 (a) Ten members, at least three of whom shall be
20 registered nurses, one of whom shall be a licensed practical nurse,
21 one of whom shall be a representative of the hospital industry, and
22 one of whom shall be a representative of the long-term care
23 industry;
24 (b) One nurse educator recommended by the Board of
25 Regents of the University of Nebraska;
26 (c) One nurse educator recommended by the Nebraska
27 Community College Association;
1 (d) One nurse educator recommended by the Nebraska
2 Association of Independent Colleges and Universities; and
3 (e) Three members recommended by the State Board of
4 Health.
5 (2) The initial terms of the members of the Nebraska
6 Center for Nursing Board shall be:
7 (a) Five of the ten members appointed under subdivision
8 (1)(a) shall serve for one year and five shall serve for two years;
9 (b) The member recommended by the Board of Regents of the
10 University of Nebraska shall serve three years;
11 (c) The member recommended by the Nebraska Community
12 College Association shall serve two years;
13 (d) The member recommended by the Nebraska Association of
14 Independent Colleges and Universities shall serve one year; and
15 (e) The members recommended by the State Board of Health
16 shall serve three years.
17 The initial appointments shall be made within sixty days
18 after the effective date of this act. After the initial terms
19 expire, the terms of all of the members shall be three years with
20 no member serving more than two consecutive terms.
21 (3) The board shall have the following powers and duties:
22 (a) To determine operational policy;
23 (b) To elect a chairperson and officers to serve two-year
24 terms. The chairperson and officers may not succeed themselves;

- 25 (c) To establish committees of the board as needed;
 26 (d) To appoint a multidisciplinary advisory council for
 27 input and advice on policy matters;
 1 (e) To implement the major functions of the Nebraska
 2 Center for Nursing; and
 3 (f) To seek and accept nonstate funds for carrying out
 4 center policy.
 5 (4) The board members shall be reimbursed for their
 6 actual and necessary expenses as provided in sections 81-1174 to
 7 81-1177.
 8 (5) The Department of Health and Human Services
 9 Regulation and Licensure shall provide administrative support for
 10 the board. The board may contract for additional support not
 11 provided by the department.
 12 Sec. 81. The Nebraska Center for Nursing Act terminates
 13 on July 1, 2005."
 14 2. Renumber the remaining sections accordingly.

Senator Kiel filed the following amendment to LB 1363:
 AM2856

- 1 1. Insert the following new section:
 2 "Sec. 3. The Mexican-Americans Commission Cash Fund is
 3 created. The Commission on Mexican-Americans shall use the fund
 4 for commission functions described in sections 81-8,262 to 81-8,271
 5 and sections 1 and 2 of this act. Money credited to the fund shall
 6 include any monetary gifts, grants, and donations. Any money in
 7 the fund available for investment shall be invested by the state
 8 investment officer pursuant to the Nebraska Capital Expansion Act
 9 and the Nebraska State Funds Investment Act."

NOTICE OF COMMITTEE HEARING
Executive Board

LR 320 Thursday, March 23, 2000 12:00 p.m.

(Signed) George Coordsen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1399. Senator D. Pederson offered the following amendment to the Standing Committee amendment:

FA328

Amend AM2719

On page 2, line 24, after (6) add "Should there be greater control of the educational process and facilities for the schools by the State of Nebraska, if the state provides substantial additional funding for teachers salaries.

Change the existing (6) on line 24 by changing the number to (7).

The D. Pederson amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

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

FA329

Amend AM2719

1). In the Smith amendment, AM2839, on line 3, after the word "profession" add the words "due to retirement or"

The Bohlke amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused. No objections. So ordered.

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

FA330

Amend AM2719

P. 4, line 21 strike "seven thousand five hundred" and insert "five thousand"

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Aguilar	Baker	Bourne	Brashear	Bromm
Byars	Chambers	Cudaback	Dickey	Dierks
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Lynch	Quandahl	Raikes
Redfield	Robak	Schmitt	Schrock	Smith
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 19:

Beutler	Bohlke	Bruning	Connealy	Coordsen
Crosby	Engel	Hilgert	Kiel	Landis
Matzke	Pedersen, Dw.	Preister	Price	Schimek
Stuhr	Suttle	Thompson	Wickersham	

Present and not voting, 1:

Brown

Excused and not voting, 1:

Pederson, D.

The Chambers amendment was adopted with 28 ayes, 19 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 43 ayes, 1 nay, 4 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1407. Senator Jensen asked unanimous consent to bracket until April 11, 2000.

Senator Chambers objected.

Senator Jensen moved to bracket LB 1407 until April 11, 2000.

Senators Dw. Pedersen and Thompson asked unanimous consent to be excused. No objections. So ordered.

The Jensen motion to bracket prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Senators Bruning and Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1213. Title read. Considered.

The Standing Committee amendment, AM2305, found on page 720, was considered.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Robak asked unanimous consent to be excused until she returns. 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.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 968. Title read. Considered.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM2432, printed separately and referred to on page 710, was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 973. The Standing Committee amendment, AM2218, found on page 522 and considered on page 878, was renewed.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Chambers renewed his pending amendment, AM2647, printed separately and referred to on page 933.

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

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Dickey	Dierks	Jensen	Jones	Kremer
Smith	Suttle	Tyson	Vrtiska	Wehrbein

Voting in the negative, 18:

Aguilar	Baker	Bohlke	Bourne	Bromm
Byars	Connealy	Coordsen	Crosby	Hilgert
Hudkins	Janssen	Kiel	Lynch	Matzke
Redfield	Stuhr	Wickersham		

Present and not voting, 16:

Beutler	Brashear	Brown	Chambers	Cudaback
Engel	Hartnett	Kristensen	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schmitt
Schrock				

Excused and not voting, 5:

Bruning Landis Pedersen, Dw. Pederson, D. Thompson

The Chambers amendment lost with 10 ayes, 18 nays, 16 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORT Natural Resources

LEGISLATIVE RESOLUTION 304. Reported to the Legislature for further consideration.

(Signed) Edward J. Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator Lynch filed the following amendment to LB 1115:
AM2723

- 1 1. Insert the following new section:
- 2 "Sec. 77. The Department of Health and Human Services
- 3 Finance and Support shall apply to the Secretary of the United
- 4 States Department of Health and Human Services for approval of a
- 5 demonstration project, as authorized by section 204 of Public Law
- 6 106-170, to extend medicaid for up to one thousand individuals who
- 7 are workers with potentially severe disabilities. This section
- 8 becomes operative October 1, 2000."
- 9 2. Renumber the remaining sections accordingly.

Senator Crosby filed the following amendment to LB 352:
AM2866

- 1 1. Insert the following new sections:
- 2 "Sec. 18. This act becomes operative on July 1, 2000.
- 3 Sec. 21. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law."
- 5 2. On page 12, strike line 28 and show the old matter as
- 6 stricken.
- 7 3. On page 13, line 3, before "The" insert "The
- 8 Commission for the Blind and Visually Impaired Cash Fund is
- 9 created. On the operative date of this act, any money in the Small
- 10 Business Enterprises Cash Fund and any portion of the Department of
- 11 Health and Human Services Cash Fund or any other cash funds
- 12 attributable to the Division of Rehabilitation Services for the
- 13 Visually Impaired within the Department of Health and Human
- 14 Services shall be transferred to the Commission for the Blind and
- 15 Visually Impaired Cash Fund. Any custodial funds, gifts, trusts,
- 16 and federal grants attributable to the Division of Rehabilitation
- 17 Services for the Visually Impaired within the Department of Health
- 18 and Human Services shall be transferred and attributable to the

19 Commission for the Blind and Visually Impaired."
20 4. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 352A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, sections 92, 99, and 106; to appropriate funds to aid in carrying out the provisions of Legislative Bill 352, Ninety-sixth Legislature, Second Session, 2000; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 968A. 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 968, Ninety-sixth Legislature, Second Session, 2000; and to reduce appropriations.

LEGISLATIVE BILL 1223A. 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 1223, Ninety-sixth Legislature, Second Session, 2000.

RESOLUTION

LEGISLATIVE RESOLUTION 328. Introduced by Kristensen, 37; Brashear, 4.

PURPOSE: To conduct an interim study to examine and seek to determine appropriate standards for attorneys appointed by county, district, and appellate courts of this state to represent indigent persons charged with a crime.

The study may include the review of, but not need to be limited to:

- (1) Similar standards implemented in surrounding states;
- (2) Definitions of the term "indigent";
- (3) Caseload standards, including case-related hours and recommended caseload standards;
- (4) A determination of the appropriate number of attorneys per case;
- (5) Eligibility or qualification standards, including, but not limited to, bar membership, experience, participation in continuing legal education programs on criminal law and procedure, and membership and activity in professional associations supporting criminal defense practitioners for:
 - (a) Counsel qualified as lead counsel in capital cases;
 - (b) Counsel qualified as co-counsel in capital cases;
 - (c) Counsel qualified to serve as counsel in serious felonies;
 - (d) Counsel qualified as appellate lead counsel;

- (e) Counsel qualified as appellate co-counsel; and
- (f) Counsel qualified as postconviction counsel;
- (6) Workload standards; and
- (7) Procedures for the appointment of counsel and the implementation of suggested standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 968:
(Amendment, AM2836, 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

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 1167. No objections. So ordered.

VISITORS

The Doctor of the Day was Dr. Tony Dresbach from Lincoln.

ADJOURNMENT

At 6:11 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 16, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 16, 2000

PRAYER

The prayer was offered by Pastor David Haynes, Kingsway Christian Church, Omaha, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Hartnett, Landis, D. Pederson, and Thompson who were excused; and Senators Raikes and Schmitt who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 973:
To reconsider the vote on AM2647.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 15, 2000, 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

Bohrer, Bruce - Lincoln; Lincoln Chamber of Commerce

Fisher, Dan - Lincoln; BPO ELKS, USA (Withdrawn 03/13/2000)
Zumwinkle, Mike - Minneapolis, MN; Cargill, Incorporated

REPORTS

The following reports were received by the Legislature:

Revenue, Department of

Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act, and Quality Jobs Act Annual Report

Roads, Department of

State Highway Inventory Report, Supplemental Report for the 1999 State Highway Needs Assessment

ANNOUNCEMENT

The Chair announced today is Senator Brashear and Senator Matzke's birthday.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1217. Placed on Select File as amended.
(E & R amendment, AM7234, 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 1349. Placed on Select File as amended.
(E & R amendment, AM7235, 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 1369. Placed on Select File.

LEGISLATIVE BILL 1328. Placed on Select File.

LEGISLATIVE BILL 1379. Placed on Select File.

LEGISLATIVE BILL 1379A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

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 900 with 36 ayes, 2 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 900. With Emergency.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1502, 2-1503.01 to 2-1504, 2-1505, 2-1568, 2-1575, 2-1577, 2-1578, 2-1579, 2-1585, 2-1587, 2-1589, 2-1590, 2-1592 to 2-1595, 2-1597, 2-1598, 2-15,100, 2-15,101, 2-15,103, 2-15,105, 2-15,106, 2-15,122, 2-15,123, 2-2626, 2-3208, 2-3210, 2-3211, 2-3212, 2-3240, 2-3257, 2-3276, 2-3277, 2-4215, 16-6,106, 25-1062.01, 25-1064, 25-2159, 25-2160, 31-415, 31-508, 31-509, 31-515, 31-516, 31-1003, 31-1008, 31-1015, 31-1017 to 31-1023, 33-105, 46-106, 46-122, 46-190, 46-192, 46-193, 46-199, 46-1,155, 46-1,157, 46-205, 46-208 to 46-210, 46-212, 46-212.01, 46-213, 46-215 to 46-219, 46-226, 46-226.03, 46-227, 46-229, 46-229.01, 46-229.04, 46-229.05, 46-230, 46-231, 46-233, 46-233.01, 46-234, 46-235, 46-235.02 to 46-238, 46-240.01 to 46-242, 46-250, 46-252, 46-254, 46-256 to 46-258, 46-261, 46-263.02, 46-270, 46-273, 46-277, 46-278, 46-288 to 46-296, 46-2,101, 46-2,105, 46-2,108 to 46-2,115, 46-2,116.01 to 46-2,120, 46-2,122 to 46-2,125, 46-2,128, 46-2,130, 46-302 to 46-305, 46-312, 46-315, 46-514, 46-516, 46-541, 46-583, 46-604, 46-610, 46-613.01, 46-613.02, 46-637 to 46-642, 46-644 to 46-646, 46-648, 46-649, 46-653, 46-654, 46-656.05, 46-656.07, 46-656.12, 46-656.14 to 46-656.16, 46-656.19, 46-656.25, 46-656.28, 46-656.30, 46-656.31, 46-656.33, 46-656.38, 46-656.40, 46-656.50 to 46-656.63, 46-656.65 to 46-656.67, 46-676, 46-678.01, 46-686.01, 46-691, 46-692, 46-701 to 46-704, 46-801 to 46-804, 46-1001, 46-1004, 46-1005, 46-1011, 46-1023, 46-1204.01, 46-1217, 46-1401, 46-1403, 46-1404, 56-101, 66-1105, 81-15,170, 81-2304, 81-2602, 81-3449, 81-3453, and 85-162.03, Reissue Revised Statutes of Nebraska, sections 2-1570, 2-1588, and 2-3202, Revised Statutes Supplement, 1998, and sections 2-1503, 2-1547, 2-1584, 2-1596, 2-3222, 2-3254, 2-4901, 25-1920, 46-602, 46-606, 46-1224, 49-506, 49-617, 54-2404.02, 54-2412, 81-101, and 81-102, Revised Statutes Supplement, 1999; to merge the Department of Water Resources and the Nebraska Natural Resources Commission; to transfer, provide, change, and eliminate powers and duties; to change provisions relating to the appropriation of water; to change provisions relating to a cost-share program; to eliminate a fund, an advisory committee, and obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 2-1504.02, 2-1504.03, 2-1506, 2-1506.01, 2-1507, 2-15,104, 2-15,121, 2-3203.02, and 46-212.02, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback

Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 900A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 92A, section 1; and Laws 1999, LB 880, sections 120, 121, 167 to 175, and 262; to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Ninety-sixth Legislature, Second Session, 2000; to change appropriations as prescribed; to provide for transfers; 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, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

MOTION - Return LB 994 to Select File

Senator Chambers moved to return LB 994 to Select File for the following specific amendment:

FA332

Strike the enacting clause.

Senator Chambers 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 994 with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to law enforcement; to amend sections 81-1401, 81-1402, 81-1403, 81-1404, 81-1406, 81-1410, 81-1413, 81-1414, 81-1428, and 81-1429, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Law Enforcement Training Center; to state intent; to change and provide powers and duties; to change provisions relating to fees and funds; to provide a termination date; to eliminate law enforcement training provisions for cities and villages; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-1703 and 18-1704, Reissue Revised Statutes of Nebraska.

Senator 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?' "

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Byars	Chambers	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Lynch	Matzke
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Tyson	Vrtiska

Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Bromm Brown Connealy

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 1125.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-821 and 8-822, Reissue Revised Statutes of Nebraska; to change provisions relating to personal loans; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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

LEGISLATIVE BILL 1190.

A BILL FOR AN ACT relating to county agricultural societies; to amend section 2-259, Revised Statutes Supplement, 1999; to provide for the acquisition of certain real property; to change provisions relating to an additional tax levy; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 291CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 19:

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 the judiciary, or officers elected or appointed to a ~~court~~, board, or commission having more than one member, and the terms of ~~one or more~~ such members commence and end at different times, the compensation of all members of the Legislature, of the judiciary, or of such ~~court~~, board, or commission may be increased or diminished at the beginning of the full term of any member thereof.

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 Constitution of Nebraska."

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 effective date of compensation changes made by the Legislature for the judiciary to allow the changes to take effect for all judges at the beginning of the full term of any judge of any court in the state.

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, 43:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

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 155 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 155. With Emergency.

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 79-978, 79-9,100, 79-9,104, and 79-9,113, Revised Statutes Supplement, 1998; to define a term; to change provisions relating to the monthly formula retirement annuity, qualified domestic relations order payments, disability benefits, and school district contributions; 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:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Lynch
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Tyson	Vrtiska

Wehrbein Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Beutler Bromm Matzke

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 438.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1447, 49-1453, 49-1463.01, 49-1466, and 49-14.123, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1458, Revised Statutes Supplement, 1999; to provide responsibility for filings and liability for fees, penalties, and interest; to change provisions relating to committee treasurers, dissolution of committees, and late contributions; to require reports of late independent expenditures; to provide for a late filing fee and for the accrual of interest on late filing fees and civil penalties; to provide bonding requirements; to define and redefine terms; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 921 with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 921.

A BILL FOR AN ACT relating to court procedure; to amend sections 11-124, 25-208, 25-525, 25-1142, 25-1273.01, 25-1315.02, 25-1515, 25-1517, 25-1542, 25-1804, 25-2002, 25-2008, 25-21,130, 25-21,167, 25-21,217, 25-21,220, 25-21,230, 25-2728, 25-2733, 25-2804, 27-802, 29-2525, 42-372, 42-372.01, 45-103, and 76-718, Reissue Revised Statutes of Nebraska, sections 25-2001, 29-117, and 29-825, Revised Statutes Supplement, 1998, and sections 25-705, 25-1912, 25-1931, and 25-2729, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to new trials, judgments, statute of limitations, notice, discovery, motions, and appeals; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-1143, 25-1145, 25-1302, and 25-2003, 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, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Lynch	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schiemek
Schmitt	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 1018 with 37 ayes, 3 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1401.02, 60-1403.01, 60-1407.03, 60-1417, and 60-1434, Reissue Revised Statutes of Nebraska, and section 60-1406, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to licenses, franchises, motor vehicle sales, and consumer care or service facilities; to change provisions relating to motor vehicle and trailer dealers; to eliminate provisions relating to special permits for sales at a place other than an established place of business; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 60-1407.05, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Lynch	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Chambers Redfield

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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: LBs 900, 900A, 994, 1125, 1190, LR 291CA, LBs 155, and 438.

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 1192 with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1192. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 24-709.01, 79-906, 79-911, 79-917, 79-956, 79-963, 81-2014, 81-2016, 81-2021, 84-1301, 84-1305.01, 84-1307, 84-1503, and 84-1512, Reissue Revised Statutes of Nebraska, sections 23-2306, 23-2312, 24-704, 24-707, 79-905, and 79-907, Revised Statutes Supplement, 1998, and sections 23-2301, 24-701, 24-706, 79-902, 79-951, and 79-960, Revised Statutes Supplement, 1999; to change provisions relating to requirements for reporting retirement information; to redefine terms; to provide, change, and eliminate powers and duties of employers and the Public Employees Retirement Board; to harmonize provisions; to repeal the original sections; to outright repeal section 79-961, 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, 43:

Baker	Bohlke	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl

Raikes	Redfield	Robak	Shimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Aguilar	Beutler
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Excused and not voting, 4:

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

PRESIDENT MAURSTAD PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 930 with 37 ayes, 2 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to insurance; to amend sections 44-401, 44-409, 44-1206, 44-2407, 44-2708, 44-2716, and 44-32,134, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Supplement, 1998; to change provisions relating to insurance fraud, reserves, insurance guaranty associations, and reports; to require coverage for reconstructive surgery as prescribed; to eliminate provisions relating to the Committee on Valuation of Securities; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 44-707.01 to 44-707.04, 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, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer

Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Hartnett	Landis	Pederson, D.	Thompson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 944. With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1999; 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, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 960.

A BILL FOR AN ACT relating to grain warehouses; to eliminate provisions relating to the weighing of grain and pellets; and to outright repeal sections 88-520 to 88-522, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Hartnett Landis Pederson, D. Thompson

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 1317 with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 1317. With Emergency.

A BILL FOR AN ACT relating to public records; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-2901, 60-2904, 60-2905, 60-2907, and 60-2910, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1999; to change and eliminate provisions relating to disclosure of records regarding motorboats, motor vehicles, and motor vehicle

operators; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 60-2913, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Lynch	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

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

Senators Hilgert and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 1135 to Select File

Senator Brown moved to return LB 1135 to Select File for the following specific amendment:
AM2907

(Amendments to Final Reading copy)

- 1 1. Strike sections 6 to 8 and insert the following
- 2 sections:
- 3 "Sec. 6. The Early Childhood Interagency Coordinating
- 4 Council is created. The council shall advise and assist the
- 5 collaborating agencies in carrying out the provisions of the Early
- 6 Intervention Act, the Quality Child Care Act, sections 79-1101 to
- 7 79-1104, and other early childhood care and education initiatives
- 8 under state supervision. Membership and activities of the council
- 9 shall comply with all applicable provisions of federal law.
- 10 Members of the council shall be appointed by the Governor and shall
- 11 include, but not be limited to:

- 12 (1) Parents of children who require early intervention
13 services, early childhood special education, and other early
14 childhood care and education services; and
15 (2) Representatives of school districts, social services,
16 health and medical services, family child care and center-based
17 early childhood care and education programs, agencies providing
18 training to staff of child care programs, resource and referral
19 agencies, mental health services, developmental disabilities
20 services, educational service units, Head Start, higher education,
21 physicians, the Legislature, business persons, and the
22 collaborating agencies.
23 Terms of the members shall be for three years, and a
1 member shall not serve more than two consecutive three-year terms.
2 Members shall be reimbursed for their actual and necessary
3 expenses, including child care expenses, with funds provided for
4 such purposes through the Early Intervention Act, the Quality Child
5 Care Act, and sections 79-1101 to 79-1104.
6 Members of the Nebraska Interagency Coordinating Council
7 -serving on the effective date of this act shall constitute the
8 Early Childhood Interagency Coordinating Council and shall serve
9 for the remainder of their terms. The Governor shall make
10 additional appointments as required by this section and to fill
11 vacancies as needed. The Governor shall set the initial terms of
12 additional appointees to result in staggered terms for members of
13 the council. The Department of Health and Human Services, the
14 Department of Health and Human Services Regulation and Licensure,
15 and the State Department of Education shall provide and coordinate
16 staff assistance to the council.
17 Sec. 7. With respect to the Early Intervention Act, the
18 Quality Child Care Act, and sections 79-1101 to 79-1104, the Early
19 Childhood Interagency Coordinating Council shall serve in an
20 advisory capacity to state agencies responsible for early childhood
21 care and education, including care for school-age children, in
22 order to:
23 (1) Promote the policies set forth in the Early
24 Intervention Act, the Quality Child Care Act, and sections 79-1101
25 to 79-1104;
26 (2) Facilitate collaboration with the federally
27 administered Head Start program;
1 (3) Make recommendations to the Department of Health and
2 Human Services, the Department of Health and Human Services Finance
3 and Support, the Department of Health and Human Services Regulation
4 and Licensure, the State Department of Education, and other state
5 agencies responsible for the regulation or provision of early
6 childhood care and education programs on the needs, priorities, and
7 policies relating to such programs throughout the state;
8 (4) Make recommendations to the lead agency or agencies
9 which prepare and submit applications for federal funding;
10 (5) Review new or proposed revisions to rules and

- 11 regulations governing the registration or licensing of early
12 childhood care and education programs;
13 (6) Study and recommend additional resources for early
14 childhood care and education programs; and
15 (7) Report biennially to the Governor and Legislature on
16 the status of early intervention and early childhood care and
17 education in the state.
18 Sec. 8. With respect to the Early Intervention Act, the
19 Early Childhood Interagency Coordinating Council and collaborating
20 agencies shall make recommendations to the lead agency or agencies
21 relating to:
22 (1) The general administration, supervision, and
23 monitoring of programs and activities receiving federal funds under
24 the federal early intervention program to ensure compliance with
25 federal law;
26 (2) The identification and coordination of all available
27 resources within the state from federal, state, local, and private
1 sources;
2 (3) The development of procedural safeguards, including
3 procedures for complaints and appeals, to ensure that services
4 coordination is provided to eligible infants or toddlers with
5 disabilities or possible disabilities and their families in a
6 timely manner pending the resolution of any disputes among public
7 agencies or service providers;
8 (4) The entry into formal interagency agreements that
9 include components necessary to ensure meaningful cooperation and
10 coordination; and
11 (5) The coordination of interagency rules and regulations
12 pursuant to the Early Intervention Act."

The Brown motion to return prevailed with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1135. The Brown specific amendment, AM2907, found in this day's Journal, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 1401A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 213. E & R amendment, AM7222, printed separately and referred to on page 1039, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1352. E & R amendment, AM7227, found on page 1043, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 929. E & R amendment, AM7229, found on page 1042, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1253. E & R amendment, AM7230, printed separately and referred to on page 1043, was adopted.

Advanced to E & R for engrossment.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 314, 315, and 316 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 314, 315, 316, LBs 921, 1018, 1192, 930, 944, 960, and 1317.

SELECT FILE

LEGISLATIVE BILL 1004. Senator Bromm renewed the Bromm et al. pending amendment, AM2740, found on page 1015.

Senators Janssen, Connealy, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm et al. amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1427. Placed on Select File as amended.
E & R amendment to LB 1427:
AM7238

1. In the Standing Committee amendments, AM2662, on page 29, line 4; page 10, line 22; and page 11, line 14, strike 3 "subdivisions" and show as stricken, strike the new matter, and

4 before "of" insert "subsection (1)".
 5 2. On page 1, line 2, after "sections" insert
 6 "71-6050,".

LEGISLATIVE BILL 1448. Placed on Select File as amended.
 E & R amendment to LB 1448:

AM7236

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. There are hereby appropriated the following
 4 sums of money, or so much thereof as may be required, from the
 5 General Fund or from other funds as indicated in the state
 6 treasury, not otherwise appropriated, for the payment of claims
 7 arising out of miscellaneous items of indebtedness owing by the
 8 State of Nebraska.
 9 1999-2000 MISCELLANEOUS CLAIMS
 10 DESCRIPTION DOLLARS
 11 Claim No. 99-222, against the Attorney General's
 12 office, pay to Kent Turnbull, 301 N. Jeffers, Suite
 13 101A, North Platte, NE 69101, out of
 14 the General Fund. 3,950.00
 15 Claim No. 99-345, against the Department of Revenue,
 16 pay to Federal Express Corp., P.O. Box 727, Memphis,
 17 TN 38194, out of the General Fund. 40,870.00
 18 Claim No. 99-359, against the Department of
 19 Correctional Services, pay to Thomas McAllister, %
 20 Murry Shaeffer, P.O. Box 832, Cheyenne, WY 82003,
 21 out of the General Fund. 15,327.58
 22 Claim No. 99-377, against the Department of
 23 Administrative Services, pay to Datamaxx Applied
 24 Technologies, % Curt Owens, 3780-A Peddie Dr.,
 1 Tallahassee, FL 32303, out of the Communications
 2 Cash Fund. 23,200.00
 3 Claim No. 99-389, against the Department of Motor
 4 Vehicles, pay to Keith County Attorney, P.O. Box 29,
 5 Ogallala, NE 69153, out of the General Fund. 500.00
 6 Claim No. 99-405, against the Department of Health
 7 and Human Services, pay to Presbyterian Medical
 8 Center, % Parr Recovery, P.O. Box 238, Allston, MA
 9 02134, out of the General Fund. 24,411.61
 10 Claim No. 99-446, against the Attorney General's
 11 Office, pay to Donald Tedesco, P.O. Box 131, Sidney,
 12 NE 69162, out of the General Fund. 535.00
 13 Claim No. 99-482, against the Department of Revenue,
 14 pay to M.G. Waldbaum, 5353 Wayzata Blvd. #500,
 15 Minneapolis, MN 55416, out of the General Fund. 96,420.41
 16 Claim No. 99-611, against the Department of Health
 17 and Human Services, pay to Walgreens, % CityVest,
 18 306 Reunion Center, Tulsa, OK 74103, out of the

19 General Fund.	54,004.62
20 Claim No. 99-620, against the Department of Health	
21 and Human Services, pay to <u>University Medical Center</u>	
22 <u>Outpatient</u> , P.O. Box 985070, Omaha, NE 68198, out of	
23 the General Fund.	34,317.55
24 Claim No. 00-211, against the Attorney General's	
25 Office, pay to <u>Kent Turnbull</u> , 301 N. Jeffers, Suite	
26 101A, North Platte, NE 69101, out of the General Fund.	4,250.00
27 Claim No. 00-337, against the Attorney General's	
1 Office, pay to <u>Jeff Meyer</u> , 301 N. Jeffers, Suite	
2 101A, North Platte, NE 69101, out of the	
3 General Fund	500.00
4 The claims included in this section shall be paid through	
5 program 536 in Agency 65.	
6 For informational purposes only, the appropriations	
7 contained in this section and fund source:	
8 GENERAL FUND	275,086.77
9 CASH FUNDS	23,200.00
10 TOTAL	298,286.77
11 Sec. 2. The following sums of money, or so much thereof	
12 as may be required, are hereby appropriated from the General Fund	
13 or from other funds as indicated in the state treasury, not	
14 otherwise appropriated, for the payment of tort claims which have	
15 been settled by the Attorney General in the district court or in	
16 which court judgments have been entered and which require the	
17 approval of the Legislature for payment.	
18 DESCRIPTION	DOLLARS
19 Tort Claim No. 94-295, against the Department of	
20 Roads, pay to <u>Luebs, Leininger, Smith, Busick,</u>	
21 <u>Johnson, Baack, Placzek & Steele</u> , P.O. Box 790,	
22 Grand Island, NE 68802-0709, out of the Roads	
23 Operations Cash Fund.	3,558.10
24 Tort Claim No. 94-295, against the Department of	
25 Roads, pay to <u>Nora Zepeda and Diego Gavilanes,</u>	
26 <u>Attorney</u> , 3325 Wetmore Ave., Everett, WA 98201, out	
27 of the Roads Operations Cash Fund.	106,441.90
1 Tort Claim No. 94-295, against the Department of	
2 Roads, pay to <u>Department of Health and Human</u>	
3 <u>Services</u> , P.O. Box 95044, Lincoln, NE 68509-5044,	
4 out of the Roads Operations Cash Fund.	12,324.42
5 Tort Claim No. 94-347, against the Department of	
6 Roads, pay to <u>Rex Woollen and Siegfried Brauer,</u>	
7 <u>Attorney</u> , 2002 Central Ave., Kearney, NE 68848,	
8 out of the Roads Operations Cash Fund.	567,816.05
9 The claims included in this section shall be paid through	
10 Program 591 in Agency 65.	
11 For informational purposes only, the appropriations	
12 contained in this section and fund source:	
13 CASH FUNDS	690,140.47

14 TOTAL 690,140.47

15 Sec. 3. The following sums of money, or so much thereof
 16 as may be required, are hereby appropriated from the General Fund
 17 or from other funds as indicated in the state treasury, not
 18 otherwise appropriated, for the payment of indemnification claims
 19 which have been settled by the Attorney General in the district
 20 court or in which court judgments have been entered and which
 21 require the approval of the Legislature for payment.

22 DESCRIPTION DOLLARS

23 Indemnification Claim No. 354(96), against the
 24 Department of Health and Human Services, for
 25 attorney's fees associated with above-referenced
 26 case, pay to Bruce Mason, Attorney, 1505 South 108th
 27 Street, Omaha, NE 68144, out of the General Fund. 221,839.34

1 Indemnification Claim No. 354(96), against the
 2 Department of Health and Human Services, for
 3 attorney's fees associated with above-referenced
 4 case, pay to Nebraska Advocacy Services, 215
 5 Centennial Mall South, Lincoln, NE 68508,
 6 out of the General Fund 159,221.73
 7 out of the Department of Health
 8 and Human Services Cash Fund. 49,766.73

9 The claims included in this section shall be paid through
 10 Program 592 in Agency 65.

11 For informational purposes only, the appropriations
 12 contained in this section and fund source:

13 GENERAL FUND 381,061.07

14 CASH FUNDS 49,766.73

15 TOTAL 430,827.80

16 Sec. 4. The following sums of money, or so much thereof
 17 as may be required, are hereby appropriated from the General Fund
 18 or from other funds as indicated in the state treasury, not
 19 otherwise appropriated, for the payment of workers' compensation
 20 lump-sum settlements which have been approved by the Nebraska
 21 Workers' Compensation Court and which require the approval of the
 22 Legislature for payment.

23 DESCRIPTION DOLLARS

24 Workers' Compensation Lump-Sum Settlement approved
 25 by the Nebraska Workers' Compensation Court, pay to
 26 Beverly Bartholow and Robert Henley Woody, Attorney,
 27 P.O. Box 34880, Omaha NE 68134, out of the Workers'
 1 Compensation Claims Revolving Fund. 230,976.00

2 The claim in this section shall be paid through Program
 3 593 in Agency 65.

4 For informational purposes only, the appropriation
 5 contained in this section and fund source:

6 REVOLVING FUNDS 230,976.00

7 TOTAL 230,976.00

8 Sec. 5. The Director of Administrative Services is

9 hereby authorized and directed to draw his or her warrants on or
 10 before June 30, 2001, upon the funds in the state treasury
 11 enumerated in this act, in favor of the several beneficiaries named
 12 in this act for the amount set opposite their respective names upon
 13 the presentation of proper vouchers therefor. The several amounts
 14 appropriated in this act shall be in full payment of any and all
 15 claims, rights, causes of action, damages, and demands of every
 16 character and kind owing by or against the State of Nebraska, its
 17 officers, agents, and employees, and their successors and assigns
 18 with respect to each of the beneficiaries respectively in whose
 19 favor the appropriations are made. The director shall not deliver
 20 any warrant for any items appropriated in this act until a receipt
 21 and release in full, releasing the State of Nebraska, its officers,
 22 employees, and agents, and their successors and assigns, has been
 23 filed by each of the beneficiaries respectively. Upon presentation
 24 of the warrants, the State Treasurer is hereby directed to pay the
 25 same out of money in the General Fund or out of money in other
 26 funds indicated in this act not otherwise appropriated.

27 Sec. 6. The following requests were filed by state

1 agencies seeking permission to write off certain accounts. The	
2 State Claims Board reviewed and approved the following requests:	
3 DESCRIPTION	DOLLARS
4 Request No. 99-697, made by the Clerk of the	
5 Legislature	19.89
6 Request No. 00-104, made by the Department of Health	
7 and Human Services Finance and Support	487,023.89
8 Request No. 00-140, made by the Department of	
9 Revenue, Lottery Division	6,113.00
10 Request No. 00-152, made by the Supreme Court	197.44
11 Request No. 00-274, made by the Department of Health	
12 and Human Services, Western Nebraska Veterans' Home	13,551.78
13 Request No. 00-285, made by the Department of	
14 Administrative Services	1,147.27
15 Request No. 00-288, made by the Department of Health	
16 and Human Services, Grand Island Veterans' Home	85,416.39
17 Request No. 00-289, made by the Department of Health	
18 and Human Services, Thomas Fitzgerald Veterans' Home	15,445.04
19 Request No. 00-290, made by the Department of Health	
20 and Human Services, Norfolk Veterans' Home,	
21 Members Trust Account	5.89
22 Request No. 00-291, made by the Department of Health	
23 and Human Services, Norfolk Veterans' Home,	
24 Members Trust Account	.20
25 Request No. 00-292, made by the Department of Health	
26 and Human Services, Norfolk Veterans' Home	6,812.29

27 Sec. 7. Since an emergency exists, this act takes effect
 1 when passed and approved according to law."

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 329. Introduced by Wickersham, 49; Bohlke, 33.

PURPOSE:

1. Information about how students progress through public postsecondary educational institutions can guide state policymakers and institutions in improving the educational experience and utilizing state resources efficiently. Retention rates, graduation rates, and transfer data could be used to guide students, allocate resources, and design efficient programs.

2. While some data is currently gathered, no statewide system exists to gather and track student enrollment patterns of postsecondary students and to compile that information in a format that informs administrators and policymakers. The University of Nebraska system, the state college system, and the community colleges all collect and report data, and those existing systems should be built upon to minimize duplicative data gathering.

3. An electronic state student information tracking system could make accurate and comprehensive information about transfers between public postsecondary educational institutions, student retention, and degree completion available in a timely manner.

4. Data must be collected so that the confidentiality of individually identifiable information is maintained.

5. It is in the interest of the state that those entities which would be responsible for collecting and reporting the data cooperate with those entities which would use the information to determine how to design a system that would be efficient and effective.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 330. Introduced by Wickersham, 49; Bromm, 23.

PURPOSE:

1. The recent and unprecedented economic growth in the United States has been driven in large part by information technology. Access to advanced telecommunications services and adequate data transfer speeds (band width) are necessary for people and businesses to participate in this digital economy.

2. Certain segments of the population do not have access to broad band and advanced telecommunications services. The gap in available services denies those segments of the population participation in the digital economy

and reduces the growth that could otherwise be realized if the technology were available to them.

3. The speed at which technology develops threatens to widen the gap between the technology haves and have-nots, leaving unserved and underserved populations ever further behind.

4. The high costs of providing broad band and advanced telecommunications services mean that rural, sparsely populated areas will be the last areas to have such services deployed or no access to such services unless alternative measures are identified to assist.

5. It is time that measures be identified which would facilitate deployment of broad band and advanced telecommunications services to those segments of the population which do not have access to and which are likely to lag ever further behind in the digital economy.

6. Public input should be sought in order to identify possible strategies and mechanisms for ensuring equal access to the information technology economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

AMENDMENT - Print in Journal

Senator Brown filed the following amendment to LB 1405:
AM2891

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section I. (1) Any medical professional who prescribes
- 4 a drug or therapy or requests performance of a diagnostic
- 5 procedure, which drug, therapy, or diagnostic procedure was derived
- 6 from aborted fetal tissue or research using aborted fetal tissue,
- 7 shall disclose to the patient the origin of the drug, therapy, or
- 8 diagnostic procedure.
- 9 (2) For purposes of this section, aborted fetal tissue
- 10 means human fetal tissue, cells, or organs that are obtained from a
- 11 living or dead embryo or fetus during or after an induced abortion.
- 12 Aborted fetal tissue does not include human fetal tissue, cells, or
- 13 organs that are obtained from a spontaneous abortion or ectopic
- 14 pregnancy."

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 2000, at 10:55 a.m., were the following: LBs 900e, 900Ae, 994, 1125, 1190, 155e, 438, 921, 1018, 1192e,

930, 944e, 960, and 1317e.

(Signed) Diana Bridges
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on March 16, 2000, at 10:40 a.m., was the following: LR 291CA.

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

SELECT FILE

LEGISLATIVE BILL 1436. E & R amendment, AM7202, found on page 761, was adopted.

The Landis amendment, AM2500, found on page 770, was withdrawn.

Senators Jensen and Bohlke offered the following amendment:
AM2914

(Amendments to E & R amendments, AM7202)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 71-7608, Revised Statutes
4 Supplement, 1999, is amended to read:
5 71-7608. The Nebraska Tobacco Settlement Trust Fund is
6 created. The fund shall include any settlement payments or other
7 revenue received from a settlement or judgment awarded to by the
8 State of Nebraska as a result of in connection with any
9 tobacco-related litigation for compensation for the costs of
10 treating smoking-related illnesses to which the State of Nebraska
11 is a party. The Department of Health and Human Services Finance
12 and Support shall remit such revenue to the State Treasurer for
13 credit to the fund, except that, of such revenue received on or
14 after April 1, 2000, twenty-one million dollars shall be credited
15 to the Tobacco Prevention and Control Cash Fund as follows: (1)
16 Seven million dollars in FY1999-00, (2) seven million dollars in
17 FY2000-01, and (3) seven million dollars in FY2001-02. Subject to
18 the terms and conditions of the settlement or judgment such
19 litigation, the investment income on the revenue from the fund
20 shall be transferred to the Excellence in Nebraska Health Care
21 Trust Cash Fund to be used for grants or loan guarantees as
22 provided in section 71-7614 as provided in section 71-7611. Any
23 money in the Nebraska Tobacco Settlement Trust Fund available for
1 investment shall be invested by the state investment officer
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska
3 State Funds Investment Act.

4 Sec. 2. Section 71-7614, Revised Statutes Supplement,
5 1999, is amended to read:
6 71-7614. (1) ~~Beginning January 15, 1999, the Excellence~~
7 ~~in The Nebraska Health Care Trust Cash Fund shall be used for~~
8 ~~grants for (a) awarding grants or making loan guarantees as~~
9 ~~described in section 71-7613 for conversion of nursing facilities~~
10 ~~to assisted-living facilities or other alternatives to nursing~~
11 ~~facility care, (b) awarding grants for public health services which~~
12 ~~focus on health education, preventive health measures, and~~
13 ~~environmental health, assessment, and assurance, including services~~
14 ~~for reservation or service areas of federally recognized Native~~
15 ~~American tribes in Nebraska and organizations that focus on the~~
16 ~~health of minority groups, (c) awarding grants for (b) activities~~
17 ~~related to the design, maintenance, or enhancement of the statewide~~
18 ~~trauma system, support of emergency medical services programs, and~~
19 ~~support for the emergency medical services programs for children,~~
20 ~~(d) awarding grants for (c) conversion of hospitals in rural areas~~
21 ~~of the state to critical access hospitals, (e) awarding grants for~~
22 ~~(d) education, recruitment, and retention of primary care~~
23 ~~professionals, behavioral health professionals, and nurses for~~
24 ~~medically underserved areas, (f) awarding grants for (e) health~~
25 ~~infrastructure development which is supportive of telemedicine~~
26 ~~capability, including, but not limited to, high-speed data and~~
27 ~~medical information transmission, (g) awarding grants for and (f)~~
1 the development and expansion of community-based aging services
2 designed to promote the independent living status of and delay
3 institutional care for elderly persons, including, but not limited
4 to, personal care, respite care, homemaker care, and chore and
5 transportation services, and (h) the state's matching share for
6 children's health insurance under Title XXI of the federal Social
7 Security Act in excess of the funds distributed under subdivision
8 (2)(b) of section 71-7612. No more than one-half of the money in
9 the Excellence in Health Care Trust Fund may be used for conversion
10 projects under subdivision (a) of this subsection. No funds shall
11 be used under this section for abortion, abortion counseling,
12 referral for abortion, or school-based health clinics.
13 (2) The Excellence in Nebraska Health Care Council is
14 created. The Director of Finance and Support or his or her
15 designee shall be an ex officio member of the council. The council
16 shall consist of a chairperson and five eight additional members
17 appointed by the Governor with the approval of a majority of the
18 Legislature. The chairperson and additional members shall be
19 appointed for three-year terms, except that of the initial members,
20 two three shall be appointed for one-year terms and two three for
21 two-year terms. Any member appointed prior to April 29, 1999,
22 shall be subject to the approval of a majority of the Legislature.
23 The membership shall include at least one consumer and one health
24 care provider. Any vacancy shall be filled in the same manner as
25 the original appointment for the unexpired term. The Department of

26 Health and Human Services Finance and Support shall provide staff
 27 support for the council. The Department of Health and Human
 1 Services and the Department of Health and Human Services Regulation
 2 and Licensure shall also assist the Department of Health and Human
 3 Services Finance and Support and the council as may be necessary.
 4 Members of the council shall be reimbursed for their actual and
 5 necessary expenses as provided in sections 81-1174 to 81-1177.

6 (3) The council, with the approval of the Director of
 7 Finance and Support, ~~shall award grants or make loan guarantees~~
 8 ~~under subdivision (1)(a) of this section and shall award grants~~
 9 ~~under subdivisions (1)(b) through (g) subsection (1) of this~~
 10 ~~section to a person or entity for expenditures, including, but not~~
 11 ~~limited to, startup and training expenses and operating losses,~~
 12 ~~which will improve access to or delivery of health care services to~~
 13 ~~medically underserved individuals or in medically underserved areas~~
 14 ~~or which will help contain or reduce the cost or improve the~~
 15 ~~quality of health care services. The Director of Finance and~~
 16 ~~Support, with the advice of the Nursing Home Advisory Council and~~
 17 ~~the Policy Cabinet created in section 81-3009, shall use the~~
 18 ~~procedures and criteria of section 71-7613 to make recommendations~~
 19 ~~for grants to be awarded or loan guarantees to be made by the~~
 20 ~~Excellence in Health Care Council under subdivision (1)(a) of this~~
 21 ~~section.~~

22 (4) Eligible ~~activities~~ services under subdivision (1)(b)
 23 (1)(a) of this section shall include, but not be limited to, (a)
 24 projects to implement the Community Health Care Act, (b) the hiring
 25 of school nurses by educational service units, school districts,
 26 public health entities, or partnerships between schools and public
 27 health entities in order to identify children for medicaid
 1 eligibility and to provide immunizations and other public health
 2 services, (c) health education and activities that focus on
 3 prenatal care, proper diet, physical activity, the reduction of
 4 teen and other unintended pregnancies, the prevention of disease,
 5 and other public health problems, (d) staffing needs for public
 6 health services or education, including recruitment and training,
 7 (e) pregnancy testing, (f) tests and screenings for blood pressure,
 8 cholesterol, sexually transmitted diseases, cervical cancer, breast
 9 cancer, communicable diseases, and other potential public health
 10 problems, (g) matching funds for state and federal health programs
 11 designed to address public health needs, (h) laboratory equipment
 12 to enable the Department of Health and Human Services Regulation
 13 and Licensure to carry out its powers and duties relating to
 14 laboratory services, and (i) public health environmental services,
 15 ~~; and (j) education, research, and outreach programs that~~
 16 ~~specifically address the cause and prevention of smoking-related~~
 17 ~~diseases and smoking prevention and cessation.~~

18 (5) This section does not create an entitlement to any
 19 funds available for grants ~~or loan guarantees~~ under this section,
 20 and the council may award grants ~~or make loan guarantees~~ to the

21 extent funds are available and, within its discretion, to the
22 extent such applications are approved.

23 (6) The department shall:

24 (a) In consultation with the Excellence in Nebraska
25 Health Care Council, develop criteria for the awarding of grants
26 from the Excellence in Nebraska Health Care Trust Cash Fund
27 pursuant to ~~subdivisions (1)(b) through (g)~~ subsection (1) of this
1 section;

2 (b) Have the power to approve or disapprove decisions by
3 the council regarding the selection of projects to be funded and
4 the distribution and duration of project funding;

5 (c) In consultation with the council, establish
6 standards, formats, procedures, and timelines for the successful
7 implementation of approved projects;

8 (d) In consultation with the council, assist grant
9 recipients in determining the effectiveness of the project and
10 measure the accomplishment of the grant objectives; and

11 (e) Provide annual reports to the Governor and the
12 Legislature concerning the projects. Each report shall include the
13 number of applicants and approved applicants, an overview of the
14 various projects, and detailed reports of the cost of each project.

15 (7) The department shall, in consultation with the
16 council, adopt and promulgate rules and regulations establishing
17 criteria, standards, and procedures regarding the selection and
18 administration of projects funded from the fund pursuant to
19 ~~subdivisions (1)(b) through (g)~~ subsection (1) of this section.
20 Recipients of such grants shall be required to provide, upon
21 request, such data relating to the funded projects as the
22 department deems necessary.

23 Sec. 3. The Tobacco Prevention and Control Cash Fund is
24 created. The fund shall be appropriated by the Legislature for a
25 comprehensive statewide tobacco-related public health program,
26 including, but not limited to: (1) Community programs to reduce
27 tobacco use, (2) chronic disease programs, (3) school programs, (4)
1 statewide programs, (5) enforcement, (6) counter marketing, (7)
2 cessation programs, (8) surveillance and evaluation, (9)
3 administration, and (10) the Teen Tobacco Education and Prevention
4 Project. The Legislature is not required to appropriate all
5 available revenue from the fund for such purpose in any given year.
6 The Health and Human Services Committee of the Legislature shall
7 make annual recommendations for appropriations from the fund. Any
8 money in the fund available for investment shall be invested by the
9 state investment officer pursuant to the Nebraska Capital Expansion
10 Act and the Nebraska State Funds Investment Act.

11 Sec. 4. (1) The Teen Tobacco Education and Prevention
12 Project is created. The purpose of the project is to provide
13 scholarships for high school students who design creative project
14 proposals to aid in the prevention, reduction, and cessation of
15 teen smoking and to provide award money for the sponsors of such

16 proposals.

17 (2) The Teen Tobacco Education and Prevention Project

18 Committee is created. The committee shall develop criteria for the

19 submission of project proposals and shall select winning project

20 proposals pursuant to subsection (4) of this section and rules and

21 regulations adopted and promulgated under this section. The

22 committee shall be appointed by the Governor and shall have no more

23 than fifteen members. Committee members shall include (a) high

24 school teachers or advisors, (b) one high school student from each

25 category of school listed in subsection (4) of this section, (c) a

26 physician, (d) persons with advertising or broadcasting expertise,

27 (e) tobacco control advocates, (f) public health representatives,

1 and (g) business persons. Any vacancy on the committee shall be

2 filled in the same manner as the initial appointment. The

3 Department of Health and Human Services shall provide staff support

4 for the committee. Committee members shall be reimbursed for their

5 actual and necessary expenses as provided in sections 81-1174 to

6 81-1177.

7 (3) On or before December 31 of each year, high school

8 students who reside or attend school in Nebraska may submit project

9 proposals to the committee. Each project proposal shall be

10 designed and developed, by no more than four high school students,

11 to be implemented statewide or in the school, community, or

12 geographic area where such students reside or attend school.

13 Project proposals may include programs, advertisement campaigns,

14 small group projects, conferences, seminars, billboards, pamphlets,

15 productions, television advertisements, radio advertisements,

16 promotional ideas, or any other innovative concept the purpose of

17 which is to help reduce, prevent, or stop teen smoking. The budget

18 for each project proposal shall not exceed one hundred thousand

19 dollars. The Department of Health and Human Services shall use all

20 reasonable efforts to promote the program and shall provide at

21 least one application to each high school in the state.

22 (4) By March 1 of each year, the committee shall select

23 four winning project proposals from among those submitted: (a) One

24 from a school with a membership of less than one hundred

25 twenty-five students in grades nine through twelve, (b) one from a

26 school with a membership of less than three hundred twenty but at

27 least one hundred twenty-five students in grades nine through

1 twelve, (c) one from a school with a membership of less than one

2 thousand fifty but at least three hundred twenty students in grades

3 nine through twelve, and (d) one from a school with a membership of

4 one thousand fifty or more students in grades nine through twelve.

5 The designers of the winning project proposals shall each be

6 awarded a five-thousand-dollar scholarship and shall oversee the

7 implementation of such project proposals statewide or in their

8 school, community, or geographic area. The sponsor of each winning

9 project proposal shall also be awarded five thousand dollars. The

10 State Department of Education shall oversee and administer the

- 11 sponsorship awards provided in this section.
 12 (5) The Department of Health and Human Services shall
 13 adopt and promulgate rules and regulations as necessary to carry
 14 out the duties set forth in subsections (1) through (4) of this
 15 section.
 16 (6) The Coordinating Commission for Postsecondary
 17 Education shall oversee and administer the scholarships provided in
 18 this section. Scholarships may only be used by an eligible student
 19 for educational expenses at an eligible institution as defined
 20 under the Scholarship Assistance Program Act. The commission shall
 21 adopt and promulgate rules and regulations as necessary to carry
 22 out the duties set forth in this subsection.
 23 (7) The Department of Health and Human Services shall
 24 annually review the Teen Tobacco Education and Prevention Project
 25 and submit a report of such review to the Governor and Legislature
 26 on or before December 31 of each year.
 27 (8) This section shall terminate on January 1, 2003.
 1 Sec. 5. Sections 1, 5, 6, and 8 of this act become
 2 operative on the effective date of this act. The other sections of
 3 this act become operative three calendar months after the
 4 adjournment of this legislative session.
 5 Sec. 6. Original section 71-7608, Revised Statutes
 6 Supplement, 1999, is repealed.
 7 Sec. 7. Original section 71-7614, Revised Statutes
 8 Supplement, 1999, is repealed.
 9 Sec. 8. Since an emergency exists, this act takes effect
 10 when passed and approved according to law.".

Senator Jensen offered the following amendment to the Jensen-Bohlke amendment:

FA334

Amend AM2914

1. On page 9, line 10, strike "State Department of Education" and insert "Department of Health and Human Services".
2. On page 10, line 1, after ",," insert "3,".

The Jensen amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

The Jensen-Bohlke amendment, as amended, was adopted with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1436A. Senator Bohlke offered the following amendment:

AM2920

- 1 1. Strike the original sections and insert the following
- 2 new sections:

3 "Section 1. There is hereby appropriated (1) \$7,000,000
4 from the Tobacco Prevention and Control Cash Fund for FY2000-01 and
5 (2) \$7,000,000 from the Tobacco Prevention and Control Cash Fund
6 for FY2001-02 to the Department of Health and Human Services, for
7 Program 30, to aid in carrying out the provisions of Legislative
8 Bill 1436, Ninety-sixth Legislature, Second Session, 2000.
9 It is the intent of the Legislature that \$520,000 be
10 provided each fiscal year for implementation of section 4 of
11 Legislative Bill 1436, Ninety-sixth Legislature, Second Session,
12 2000.
13 Sec. 2. Since an emergency exists, this act takes effect
14 when passed and approved according to law."

The Bohlke amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 715. E & R amendment, AM7210, found on page 851, was adopted.

Senator Raikes renewed his pending amendment, AM2801, printed separately and referred to on page 1069.

Senators Bruning, Quandahl, and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Kristensen asked unanimous consent to bracket LB 715 until April 11, 2000. No objections. So ordered.

LEGISLATIVE BILL 709. E & R amendment, AM7217, printed separately and found on page 913, was adopted.

Senator Chambers moved to indefinitely postpone LB 709.

Pending.

LEGISLATIVE BILL 1023. E & R amendment, AM7216, found on page 913, was adopted.

Senators Jensen and Dierks renewed their pending amendment, AM2814, found on page 1057.

Senator Hudkins requested to pass over LB 1023.

LEGISLATIVE BILL 1085. E & R amendment, AM7221, found on page 918, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1197. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1363. Title read. Considered.

Senator Kiel renewed her pending amendment, AM2856, found on page 1095.

The Kiel amendment 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 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1363A. 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.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 352. Title read. Considered.

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 171:
AM2906

(Amendments to Standing Committee amendments, AM2103)

- 1 1. On page 1, line 15, strike "all" and insert
- 2 "one-half".

Senator Dierks filed the following amendment to LB 833:
AM2897

(Amendments to AM2004)

- 1 1. Strike section 6.
- 2 2. On page 3, lines 18 and 19, strike "and 54-2617 to
- 3 54-2619" and insert ", 54-2617, and 54-2618".
- 4 3. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 171:
AM2912

(Amendments to AM2103)

- 1 1. Insert the following new section:
- 2 "Sec. 3. The Tax Commissioner shall annually publish a
- 3 list of over-the-air television stations that have received a

- 4 refund of sales and use taxes under section 2 of this act. The
 5 list shall be published by October 1 each year. Each over-the-air
 6 television station that receives such a refund shall provide
 7 one-half hour of television time for general election gubernatorial
 8 debates between the hours of 5:30 p.m. and 10:00 p.m. between the
 9 second and fifteenth day prior to the general election. The
 10 television time shall be provided at no charge."
 11 2. On page 1, line 21, after "state" insert "and the
 12 name of the claimant may be disclosed for purposes of section 3 of
 13 this act".
 14 3. Renumber the remaining section accordingly.

Senator Dierks filed the following amendment to LB 833:
 AM2917

(Amendments to Standing Committee amendments, AM2004)

- 1 1. Insert the following new section:
 2 "Section. 1. Section 54-2601, Revised Statutes
 3 Supplement, 1999, is amended to read:
 4 54-2601. Sections 54-2601 to 54-2631 shall be known and
 5 may be cited as the Competitive Livestock Markets Act. As of the
 6 effective date of this act, the department's responsibilities under
 7 sections 54-2616, 54-2626, and 54-2629 shall not be in effect until
 8 such time as the department's responsibilities to collect and
 9 report livestock price information is no longer preempted by
 10 federal law."
 11 2. On page 3, line 18, after "sections" insert
 12 "54-2601," and after "54-2609" insert a comma.
 13 3. Renumber the remaining sections accordingly.

Senator Redfield filed the following amendment to LB 1115:
 AM2904

- 1 1. Insert the following new sections:
 2 "Sec. 2. Section 18-1739, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 18-1739. (1) The permit to be issued pursuant to section
 5 18-1738 or 18-1738.01 shall be constructed of a durable plastic
 6 designed to resist normal wear or fading for the term of the
 7 permit's issuance and printed so as to minimize the possibility of
 8 alteration following issuance. The permit shall be of a design,
 9 size, configuration, color, and construction and contain such
 10 information as specified in the rules and regulations adopted and
 11 promulgated by the United States Department of Transportation in
 12 the Uniform System for Handicapped Parking, 23 C.F.R. part 1235.
 13 (2) In addition to the requirements of subsection (1) of
 14 this section, the permit shall show such identifying information
 15 with regard to the handicapped or disabled person or temporarily
 16 handicapped or disabled person to whom it is issued as is necessary
 17 to the enforcement of sections 18-1736 to 18-1741.07 as determined
 18 by the Department of Motor Vehicles.

19 (3) No permit shall be issued to any person or for any
 20 motor vehicle if any parking permit has been issued to such person
 21 or for such motor vehicle and such permit has been suspended
 22 pursuant to section 18-1741. At the expiration of such suspension,
 23 a permit may be renewed upon the payment of the permit fee in the
 24 manner provided for renewal in sections 18-1738, 18-1738.01, and
 1 18-1740.

2 (4) A duplicate permit may be provided ~~without cost~~ if
 3 the original permit is destroyed, lost, or stolen. Such duplicate
 4 permit shall be issued in the same manner as the original permit,
 5 except that a newly completed medical form need not be provided if
 6 a completed medical form submitted at the time of the most recent
 7 application for a permit or its renewal is on file with the clerk
 8 or designated county official. A duplicate permit shall be valid
 9 for the remainder of the period for which the original permit was
 10 issued.

11 Sec. 3. Section 18-1740, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 18-1740. (1) ~~All permits authorized under sections~~
 14 ~~18-1736 to 18-1741 for handicapped or disabled parking prior to~~
 15 ~~September 10, 1993, shall be issued for a period ending January 1~~
 16 ~~of the fourth year following the date of issuance. All permits~~
 17 ~~authorized under such sections for handicapped or disabled parking~~
 18 ~~after September 9, 1993, and before September 10, 1995, shall be~~
 19 ~~issued for a period of three years. Upon the expiration of a~~
 20 ~~permanent permit, it may be renewed pursuant to the provisions of~~
 21 ~~this section and section 18-1738 or 18-1738.01. After September 9,~~
 22 ~~1995, all All permanently issued permits for handicapped or~~
 23 ~~disabled parking authorized by sections 18-1736 to 18-1741.07 shall~~
 24 ~~be issued for a period ending on September 30 of the third year~~
 25 ~~following after the date of issuance and shall expire on that date,~~
 26 ~~except that an application for the renewal of a permit filed with~~
 27 ~~the issuing city or village clerk or designated county official~~
 1 ~~within thirty days of after the date of after its expiration shall~~
 2 ~~be deemed to have been filed prior to the date of its expiration.~~
 3 ~~The possession of an expired but otherwise valid handicapped~~
 4 ~~parking permit within thirty days following after the date of its~~
 5 ~~expiration shall serve as a full and complete defense in any action~~
 6 ~~for a handicapped parking infraction resulting from the absence of~~
 7 ~~a handicapped parking permit arising during that thirty-day period.~~

8 (2) ~~All permits authorized under sections 18-1736 to~~
 9 ~~18-1741 prior to September 10, 1995, for temporarily handicapped or~~
 10 ~~disabled parking shall be issued for a period ending ninety days~~
 11 ~~after the date of issuance but may be renewed for up to three~~
 12 ~~additional ninety-day periods. All permits authorized under~~
 13 ~~sections 18-1736 to 18-1741.07 after September 9, 1995, for~~
 14 ~~temporarily handicapped or disabled parking shall be issued for a~~
 15 ~~period ending not more than six months after the date of issuance~~
 16 ~~but may be renewed one time for a one-time period not to exceed six~~

17 months. For the renewal period, there shall be submitted an
 18 additional application with proof of a handicap or disability, and
 19 the required permit fee.

20 (3) A permit fee of three dollars shall be charged for
 21 each permit, two dollars of which shall be retained by the clerk or
 22 designated county official who submits the permit and one dollar of
 23 which shall be forwarded on a quarterly basis to the State
 24 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
 25 Sec. 4. Section 18-1741, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 18-1741. Permits issued under sections 18-1736 to
 1 18-1741 shall not be transferable and shall be used only by the
 2 party to whom issued or for the motor vehicle for which issued and
 3 only for the purpose for which it is issued. No person shall alter
 4 or reproduce in any manner a permit issued pursuant to section
 5 18-1738 or 18-1738.01. No person shall knowingly hold more than
 6 one permit or knowingly provide false information on an application
 7 for a permit issued pursuant to such sections. Any violation of
 8 this section shall be cause for suspension of such permit for a
 9 period of six months and such other punishment as may be provided
 10 by local ordinance. In addition, the trial court shall impose a
 11 fine of not more than two hundred fifty dollars which may be waived
 12 by the court if, at the time of sentencing, all handicapped parking
 13 permits issued to or in the possession of the offender are returned
 14 to the court. At the expiration of such six-month period, a
 15 suspended permit may be renewed upon the payment of the permit fee
 16 in the manner provided for renewal in sections 18-1738, 18-1738.01,
 17 and 18-1740."

18 2. Renumber the remaining sections and correct repealer
 19 and internal references accordingly.

Senator Wickersham filed the following amendment to LB 171:
 AM2922

(Amendments to AM2103)

1 1. On page 1, line 8, after "station" insert "that has
 2 its primary production and broadcasting facilities located in a
 3 county in Nebraska with a population of one hundred thousand or
 4 less inhabitants".

Senator Brashear filed the following amendment to LB 1115:
 AM2916

1 1. On page 20, line 4, after the semicolon insert "and";
 2 and strike beginning with the "in" in line 5 through line 8, show
 3 as stricken, and insert an underscored colon.
 4 2. On page 21, after line 13 insert:
 5 "(3) Any food products or dietary supplements containing
 6 ephedrine, its salts, optical isomers, and salts of such optical
 7 isomers are excepted from subdivision (g)(1) of Schedule IV if they
 8 (a) contain natural ephedrine alkaloids, its salts, optical

9 isomers, and salts of such optical isomers and (b) are marketed in
10 conformance with the federal Dietary Supplement Health and
11 Education Act of 1994."

Senator Coordsen filed the following amendment to LB 628:
AM2918

1 1. Insert the following new section:

2 "Sec. 4. Section 86-1701, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 86-1701. (1) It is the intent of the Legislature to
5 promote economic growth and the efficient operation of business and
6 government in Nebraska through the electronic exchange of
7 information and legally binding electronic transactions. In order
8 to facilitate the electronic exchange of information, Nebraska must
9 establish means to ensure that electronic transactions are legally
10 binding and enforceable, while ensuring that security measures are
11 in place to prevent opportunities for fraud and misuse.

12 (2) In any written communication in which a signature is
13 required or used, any party to the communication may affix a
14 signature by use of a digital signature that complies with the
15 requirements of this section. The use of a digital signature shall
16 have the same force and effect as the use of a manual signature if
17 and only if it embodies all of the following attributes:

18 (a) It is unique to the person using it;

19 (b) It is capable of verification;

20 (c) It is under the sole control of the person using it;

21 (d) It is linked to data in such a manner that if the
22 data is changed, the digital signature is invalidated; and

23 (e) It conforms to rules and regulations adopted and
24 promulgated by the Secretary of State.

1 (2) (3) In any communication in which a signature is
2 required or used, a state agency or political subdivision may
3 accept a digital signature or an electronic signature and may
4 accept the communication in electronic format. Any use of a
5 digital signature, an electronic signature, or an electronic
6 communication by a court is subject to the rules of the Supreme
7 Court.

8 (4) The Secretary of State shall adopt and promulgate
9 rules and regulations to carry out this section which:

10 (a) Identify and define the type of signature which may
11 be used in the electronic communications governed by the rules and
12 regulations;

13 (b) Identify and define the type of electronic
14 communications for which a digital signature or an electronic
15 signature may be used; and

16 (c) Provide a degree of security reasonably related to
17 the risks and consequences of fraud or misuse for the type of
18 electronic communication which, at a minimum, shall require the
19 maintenance of an audit trail of the assignment or approval and the

- 20 use of the unique access code or unique electronic identifier.
 21 (5) This section shall not be construed to invalidate
 22 digital signatures, electronic signatures, or electronic
 23 communications which are valid under any other applicable law.
 24 (6) Unless otherwise provided by law, the use or
 25 acceptance of a digital signature or an electronic signature shall
 26 be at the option of the parties to the communication. This section
 27 shall not be construed to require a person to use or permit the use
 1 of a digital signature or electronic signature.
 2 (7) The Secretary of State shall adopt and promulgate
 3 rules and regulations to carry out this section. The initial rules
 4 and regulations shall be adopted no later than January 1, 1999. In
 5 developing the rules and regulations, the Secretary of State shall
 6 seek the advice of public and private entities, including the
 7 Department of Administrative Services.
 8 (3) The use or acceptance of a digital signature shall be
 9 at the option of the parties to the communication. Nothing in this
 10 section shall require a person to use or permit the use of a
 11 digital signature.
 12 (4) (8) For purposes of this section:
 13 (a) Electronic signature means a unique access code or
 14 other unique electronic identifier assigned or approved by the
 15 state agency for use in communications with the state agency;
 16 (b) Digital , digital signature means an electronic
 17 identifier, created by computer, intended by the person using it to
 18 have the same force and effect as a manual signature; and
 19 (c) State agency means any agency, board, court, or
 20 constitutional officer of the executive, judicial, and legislative
 21 branches of state government, except individual members of the
 22 Legislature."
 23 2. On page 6, line 16, strike "and"; and in line 17
 24 after the first comma insert "and 86-1701,".
 25 3. Renumber the remaining section accordingly.

**NOTICE OF COMMITTEE HEARING
 Government, Military and Veterans Affairs**

Monday, March 27, 2000
 Nebraska Accountability and Disclosure Commission
 Frank Hayes
 Nancy Reckewey

1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 331. Introduced by Redfield, 12.

PURPOSE: Legislative Bill 1002, Ninety-sixth Legislature, Second Session,

2000, was introduced to create laws limiting unsolicited electronic mail advertising. The issues raised by the bill should be studied by the Legislature to determine the extent of the problems created by unsolicited electronic mail advertising and whether the solutions proposed by the bill will address those problems; to review similar legislation enacted in other states; and study the scope of state jurisdiction.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Bohlke, 33.

WHEREAS, Mr. Bob Allen has long been a voice for education, beginning with his service on the Hastings Board of Education from 1972 to 1976; and

WHEREAS, Mr. Allen was first elected to serve as the representative of District 5 on the Board of Regents of the University of Nebraska in 1988; and

WHEREAS, Mr. Allen was re-elected to the Board of Regents of the University of Nebraska in 1994; and

WHEREAS, Mr. Allen was elected chairperson of the Board of Regents of the University of Nebraska in 1998; and

WHEREAS, as a regent Mr. Allen has given highest priority to quality educational opportunities for students; and

WHEREAS, as a regent Mr. Allen has put the needs of the classrooms first; and

WHEREAS, Regent Allen's current term on the Board of Regents of the University of Nebraska ends in January, 2001.

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

1. That the Legislature commends Mr. Bob Allen for his commitment to postsecondary education in Nebraska.

2. That the Legislature recognize Mr. Allen for his years of service on the Board of Regents of the University of Nebraska.

3. That the Legislature wishes Mr. Allen well as he completes his term in office and looks forward to new endeavors.

4. That a copy of this resolution be sent to Mr. Allen in acknowledgment of his contributions to the university system in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 352. The Standing Committee amendment, AM2000, found on page 416, was considered.

Senator Jensen renewed his pending amendment, AM2605, found on page 882, to the Standing Committee amendment.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Jensen amendment lost with 13 ayes, 20 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Matzke filed the following amendment to LB 936:
AM2911

(Amendments to Standing Committee amendments, AM2736)

- 1 1. On page 1, line 20, strike "as determined"; and
- 2 strike lines 22 through 24.
- 3 2. On page 2, strike lines 1 through 12; in line 13
- 4 strike "(4)" and insert "(3)"; in line 15 strike "(5)" and insert
- 5 "(4)"; in line 19 strike "(6)" and insert "(5)"; and in line 21
- 6 strike "(7)" and insert "(6)".
- 7 3. On page 3, line 5, strike "(8)" and insert "(7)"; in
- 8 line 8 strike "(9)" and insert "(8)"; in line 11 strike "(10)" and
- 9 insert "(9)"; in line 19 strike "(11)" and insert "(10)"; in line 22
- 10 strike "(12)" and insert "(11)"; and in line 25 strike "(13)" and
- 11 insert "(12)".
- 12 4. On page 4, lines 1, 18, and 25, strike "(14)" and
- 13 insert "(13)".
- 14 5. On page 5, line 4, strike "(15)" and insert "(14)";
- 15 in line 10 strike "(16)" and insert "(15)"; in line 17 strike
- 16 "(17)" and insert "(16)"; in line 20 strike "average regional" and
- 17 insert "regional average"; and in line 22 strike "(18)" and insert
- 18 "(17)".
- 19 6. On page 6, line 12, strike "Cass,"; in line 15 after
- 20 the comma insert "Cass,"; and after line 16 insert the following
- 21 new subdivision:
- 22 "(18) Regional average annual wage, for a project located

23 in one region, means the most recent average annual wage paid by
 1 all employers in the region for the most recent calendar year
 2 calculated by multiplying the average annual wage for each county
 3 in the region for the most recent calendar year reported as of July
 4 1 by the Department of Labor by the corresponding average annual
 5 total employment in each county, summing the products for all
 6 counties in the region, and then dividing the result by the average
 7 annual total employment of all counties in the region. Regional
 8 average annual wage, for a project located in more than one region,
 9 means the regional average annual wage for each region in which the
 10 project is located, multiplied by the total of the average annual
 11 total employment for each region in which the project is located,
 12 the product then divided by the sum of the average annual total
 13 employment for the regions;".
 14 7. On page 8, line 21, strike "and" and insert a comma
 15 and strike "average" and insert "annual"; and in line 23 after
 16 "wage" insert ", and (iii) the investment in qualified property of
 17 at least one hundred thousand dollars times one-half of one percent
 18 of the labor force in the county or counties in which the project
 19 will be located rounded to the nearest whole number".

MOTION - Adjournment

Senator Wickersham moved to adjourn until 9:00 a.m., Tuesday, March 21, 2000. The motion failed with 9 ayes, 16 nays, 18 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 352. The Standing Committee amendment, AM2000, found on page 416 and considered on page 1143, was renewed.

The Standing Committee amendment lost with 5 ayes, 15 nays, 23 present and not voting, and 6 excused and not voting.

Senator Crosby withdrew her amendment, AM2818, found on page 1049.

Senator Crosby renewed her pending amendment, AM2866, found on page 1099.

The Crosby amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler offered the following amendment:
 AM2817

1 1. Insert the following new sections:

- 2 "Sec. 18. (1) The Legislature finds that:
3 (a) Newspapers are a significant and important source of
4 daily information;
5 (b) As a written form of media, newspapers are able to
6 provide indepth coverage of issues as well as coverage of a breadth
7 of issues which may be absent in other electronic or broadcast
8 media;
9 (c) While a newspaper's written format has advantages,
10 such written format severely limits the ability of blind and other
11 print-reading-impaired persons to obtain information from
12 newspapers;
13 (d) This information deficit contributes to an
14 unemployment rate estimated at seventy-five percent among
15 working-age blind persons to whom the availability of such detailed
16 news coverage would vastly improve opportunities for meaningful
17 employment;
18 (e) There are a significant number of blind and
19 print-reading-impaired persons in Nebraska who would benefit from
20 having timely and complete access to local and national newspapers;
21 (f) Due to technological advances, newspapers can be
22 efficiently and effectively distributed by voice to enable access
23 by blind and other print-reading-impaired persons; and
24 (g) The state should maintain a system by which blind and
1 other print-reading-impaired persons can access the information
2 newspapers provide.
3 (2) The purposes of sections 18 and 19 of this act are to
4 provide a digital voice newspaper delivery system to enable blind
5 and other print-reading-impaired persons to access newspapers in a
6 timely and comprehensive manner.
7 Sec. 19. (1) The Commission for the Blind and Visually
8 Impaired shall establish standards and procedures for a statewide
9 digital voice newspaper delivery system and shall oversee its
10 operation. The commission shall:
11 (a) Enter into contracts for the operation of such
12 system;
13 (b) Provide space for the location of distribution
14 devices and other equipment necessary to operate the system;
15 (c) Provide for daily monitoring to assure prompt and
16 accurate functioning;
17 (d) Advertise the system and recruit blind and other
18 print-reading-impaired persons for user certification;
19 (e) Develop and implement procedures for user
20 certification;
21 (f) Serve as a coordinator between the system operator
22 and the certified users; and
23 (g) Adopt and promulgate rules and regulations to carry
24 out sections 18 and 19 of this act.
25 (2) Any certified user of the system shall not be charged
26 for access to the system other than instate and out-of-state

27 long-distance charges incurred while accessing the system."

1 2. Renumber the remaining sections accordingly.

Senator Kiel asked unanimous consent to be excused. No objections. So ordered.

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

Senator Tyson moved to indefinitely postpone LB 352.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker asked unanimous consent to be excused. No objections. So ordered.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Tyson moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Crosby requested a roll call vote on the Tyson motion to indefinitely postpone.

Voting in the affirmative, 5:

Bromm	Price	Redfield	Tyson	Wickersham
-------	-------	----------	-------	------------

Voting in the negative, 32:

Aguilar	Beutler	Bourne	Bruning	Byars
Chambers	Connealy	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Kristensen	Lynch	Matzke	Pedersen, Dw.
Preister	Quandahl	Raikes	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Vrtiska	Wehrbein			

Present and not voting, 2:

Bohlke	Brown
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Excused and not voting, 10:

Baker	Brashear	Coordsen	Hartnett	Jones
Kiel	Kremer	Landis	Pederson, D.	Thompson

The Tyson motion to indefinitely postpone failed with 5 ayes, 32 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

Senators Byars and Kristensen asked unanimous consent to be excused. No objections. So ordered.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for review with 29 ayes, 5 nays, 3 present and not voting, and 12 excused and not voting.

AMENDMENT - Print in Journal

Senator Bruning filed the following amendment to LB 352:
AM2787

- 1 1. Insert the following new section:
- 2 "Sec. 18. (1) The Commission for the Blind and Visually
- 3 Impaired or its successor agency, the Nebraska Information
- 4 Technology Commission, and the Chief Information Officer, in
- 5 consultation with other state agencies and after at least one
- 6 public hearing, shall develop a technology access clause to be
- 7 included in all contracts entered into by state agencies on and
- 8 after January 1, 2001.
- 9 (2) The technology access clause shall clearly state, as
- 10 a condition for the expenditure of state funds in the purchase of
- 11 information technology, that the input and output technology shall
- 12 be capable of supporting modification and otherwise provide for
- 13 equivalent access for both visual and nonvisual use.
- 14 (3) The technology access clause shall be included in all
- 15 contracts made by state agencies that involve the purchase of an
- 16 automated information system, without regard to:
- 17 (a) The source of funds used to make the purchase;
- 18 (b) Whether the purchase is made under delegated
- 19 purchasing authority; or
- 20 (c) The source of law under which the purchase is made."
- 21 2. Renumber the remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

March 16, 2000

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 74, 692, and 1258e were received in my office on March 13, 2000.

These bills were signed by me on March 16, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were high school students and sponsor from Scottsbluff High School; 40 students and teachers from South Center District #70 School, Wahoo; Kandy Imes from Gering; 98 fourth grade students and teachers from Crete Elementary School; and former Senator Tim Conway and his wife, Kate, from Kildare, Ireland.

The Doctor of the Day was Dr. Leon Books from Broken Bow.

ADJOURNMENT

At 2:20 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Tuesday, March 21, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume 2

NINETY-SIXTH LEGISLATURE
SECOND SESSION

2000

Convened January 5, 2000

Adjourned April 12, 2000

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK



FORTY-SIXTH DAY - MARCH 21, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 21, 2000

PRAAYER

The prayer was offered by Pastor Steve Ratzlaff, First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Bohlke, Brown, Byars, Hartnett, Jensen, Kiel, Kremer, Kristensen, Landis, Lynch, Price, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

MESSAGE FROM THE GOVERNOR

March 17, 2000

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 a member of the Accountability & Disclosure Commission:

APPOINTEE:

Marilee Fredrickson, 2302 S 184 Cr, Omaha NE 68136

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

ATTORNEY GENERAL'S OPINION

Opinion #00021

DATE: March 20, 2000

SUBJECT: Reconsideration and clarification of Op. Att'y Gen. No. 00010 on assessment testing of academic standards by the Nebraska Department of Education.

REQUESTED BY: Douglas D. Christensen, Commissioner of Education
Senator Ardyce Bohlke, Education Committee Chair

WRITTEN BY: Don Stenberg, Attorney General
Charlotte R. Koranda, Assistant Attorney General

This opinion is written in response to your request for reconsideration and clarification of Op. Att'y Gen. No. 00010. In Op. Att'y Gen. No. 00010, this office stated that the Department of Education ("Department") could not conduct assessment testing on their four content standard regulations for purposes of satisfying the Department's responsibilities under Neb. Rev. Stat. § 79-760 (1998 Cum. Supp.).

Issues

Your letter indicates that your primary concern is the relationship between mandatory assessment testing required by § 79-760 and the State Board of Education's ("State Board") voluntary academic content standards in 94 NAC 1 through 4. On page one of your letter, you state: "We ask you to reconsider whether the statutory requirement to administer a standards-based assessment, by itself, has the effect of legally compelling districts to adopt and implement the standards on which the assessment is based."

You also state in your letter that the Department anticipates rating schools on the basis of their assessment reports. You state on page two of your letter: "We ask you to clarify whether a rating such as 'high performing' or 'low performing,' with no legal consequences attached, would constitute a legal reward or sanction and, therefore, necessitate that the Department's standards be mandatory and specific."

Administrative Regulations and Statutes

We will briefly summarize the applicable regulations and statutes. A more comprehensive review of this information is available in Op. Att'y Gen. No. 00010.

The Department's four academic standards are Nebraska Mathematics Content Standards, 94 NAC 1; Nebraska Reading/Writing Content Standards, 94 NAC 2; Nebraska Science Content Standards, 94 NAC 3; and Nebraska Social Studies/History Content Standards, 94 NAC 4. The Department's purpose for adopting these standards is set forth in § 001.01 of all four of these regulations. "The State Board of Education adopts these standards to identify what students should know and be able to do and what teachers should teach." The Attorney General's office conditioned its approval of the regulations upon the Department's use of them as voluntary. The voluntary nature of these regulations is set forth in § 001.02 of all four regulations. "There is no requirement for school districts to adopt standards."

Pursuant to § 79-760, the Department is required to implement a statewide assessment program and public schools are required to participate in the program. Section 79-760 also requires that the aggregate results for each school district be reported to the Department.

The purposes for implementation of the assessment program are:

- (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.

Neb. Rev. Stat. § 79-760(2) (Cum. Supp. 1998).

Analysis

We agree that § 79-760 requires school districts to assess their students using an assessment developed by the Department based on standards established by the Department. We also agree that § 79-760 does not explicitly state that school districts must adopt and implement the Department's academic standards, nor does it require the Department to enforce those standards.

However, the purpose for the annual assessment testing as stated in § 79-760, the legislative history and the Department's assessment materials all indicate that the goal is to measure student progress toward meeting or exceeding the Department's academic standards. How can one make progress toward a standard without incorporating that standard into the curriculum? Other purposes identified in § 79-760 make various comparisons of the academic achievement of Nebraska students and academic achievement is equated with the extent to which students have mastered the academic standards upon which they are tested. Clearly, § 79-760 uses the academic standards upon which students are tested as a basis for determining the performance of public schools and the quality of public education in Nebraska.

There are numerous references in the legislative history to the purposes or goals for conducting assessment testing. Statements before the Committee on Education include the following. "The purpose of the testing is to ensure accountability for student achievement and to measure individual student progress toward academic standards." Introducer's Statement of Intent on L.B. 1228, 95th Leg., 2nd Sess. 2 (Feb. 2, 1998) (statement of Sen. Bohlke). "That would be the statewide test, what I called the accountability test, the assessment and the accountability." Hearing on L.B. 1228 Before the Comm. on Educ., 95th Leg., 2nd Sess. 8 (Feb. 2, 1998) (statement of Sen. Bohlke). "I could even see it coming to the point where we could sell a floppy disk of the information and you could take it as a study group, at the local level, and study whether or not you're in line with what other school districts in the state are doing. . . ." Hearing on L.B. 1228 Before the Comm. on Educ., 95th Leg., 2nd Sess. 8 (Feb. 2, 1998) (statement of Kathleen McCallister, President of the State Board of Education). "The intention would be that there is some measurement that we agree on for a particular subject or a particular grade level so that the notion of comparison of districts in the sense that we want to benchmark ourself against the high-performing district, how do they do what they do and get such high scores in reading?" Hearing on L.B. 1228 Before the Comm. on Educ., 95th Leg., 2nd Sess. 8 (Feb. 2, 1998) (statement of Doug Christiansen, Commissioner of Education). "The purpose of the testing is to ensure accountability for student achievement and to measure individual student progress toward academic standards. The test shall be designed to compare achievement on a statewide and national basis and to enable teachers to evaluate performance of students." Committee Statement for L.B. 1228, 95th Leg., 2nd Sess. 3 (Feb. 2, 1998) (Comm. on Educ.).

There were some brief discussions of the assessment testing portion of L.B. 1228 on the floor of the legislature. "The important thing is having it correlated to our standards that we've adopted, and if they do that, I think it would be close enough to those standards that's really getting at what we're trying to with the bill, and that is to make sure that we have a common reporting and know that schools are working toward those standards and the quality indicators here in the bill." Floor Debate on L.B. 1228, 95th Leg., 2nd Sess. 13809-10 (Mar. 18, 1998) (statement of Sen. Bohlke).

Senator Crosby, members of the Legislature, we are spending several million dollars developing a statewide test, and the reason that we're doing that, in part, a large part, is to restore the confidence of the public in the education system. And one of the things that has grieved the public, I believe, is their inability to compare school districts, schools within their districts, no means by which to do that, in any sort of realistic way. There is . . . there is no point to spending all this money and having all these requirements if, in fact, the result of what you're doing does not give the public the kind of comparison information that they're asking for."

Floor Debate on L.B. 1228, 95th Leg., 2nd Sess. 13809-10 (Mar. 18, 1998) (statement of Sen. Beutler).

Although § 79-760 does not explicitly state that public schools are required to adopt the academic standards upon which their students are tested, the practical effect of § 79-760 is to impose those standards upon the schools. We see no other purpose which would be served by the assessment testing. The intent of § 79-760 is that schools would focus on teaching its students the substance of the academic standards and their progress toward achieving that goal would be measured on an annual basis through assessment testing. Therefore, it would inappropriate for the Department to conduct assessment testing on academic standards which are unconstitutionally vague.

You also ask whether rating the schools on the basis of their aggregate test results, with no legal consequences attached, would constitute a legal reward or sanction necessitating that the Department's standards be mandatory and specific. We have previously stated that the Department cannot test on the four content standard regulations since they contain unconstitutionally vague language. We find no statutory language requiring that the standards be mandatory in order for the Department to implement the assessment testing. We do not consider rating school performance on the assessment testing to be a legal reward or sanction. Although schools are required to participate in the assessment testing, the Department does not have any enforcement authority at this time.

Conclusion

The legislature has the authority to mandate assessment testing based on academic standards. However, the current standards may not be used for that purpose because they are unconstitutionally vague. This problem could be resolved by the State Board of Education by adopting standards that are not unconstitutionally vague. Although the Department cannot test on the four content standard regulations since they contain unconstitutionally vague language, we find no statutory language requiring that the standards be mandatory in order for the Department to implement the assessment testing. We do not consider rating school performance on the assessment

testing to be a legal reward or sanction.

Sincerely,
 DON STENBERG
 Attorney General
 (Signed) Charlotte R. Koranda
 Assistant Attorney General

42-07-16

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1399. Placed on Select File as amended.
 (E & R amendment, AM7237, 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 1213. Placed on Select File as amended.
 (E & R amendment, AM7239, 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 968. Placed on Select File as amended.
 E & R amendment to LB 968:

AM7240

- 1 1. In the Standing Committee amendments, AM2432:
- 2 a. On page 5, line 11; and page 6, line 21, strike "1998"
- 3 and insert "1999";
- 4 b. On page 39, line 8, after "to" insert "sections 19-924
- 5 to 19-933"; and in line 10 strike "Chapter 18, article 13," and
- 6 show as stricken;
- 7 c. On page 52, line 24, strike the comma;
- 8 d. On page 53, line 21, after "penalties" insert an
- 9 underscored comma;
- 10 e. On page 54, line 2, strike "effect" and insert
- 11 "affect";
- 12 f. On page 55, line 14, after the second comma insert
- 13 "a";
- 14 g. On page 58, lines 13 and 19, after "penalty" insert an
- 15 underscored comma;
- 16 h. On page 70, line 12, after "or" insert "the"; and
- 17 i. On page 73, line 9, strike "23-3202,"; in line 10
- 18 strike "35-1303,"; in line 11 after the last comma insert "23-3202,
- 19 35-1303,"; and in line 19 strike "Reissue Revised Statutes of
- 20 Nebraska" and insert "Revised Statutes Supplement, 1998".
- 21 2. On page 1, strike lines 2 through 12 and insert
- 22 "23-355.01, 57-239, 60-106, 76-214, 77-115, 77-609, 77-1210,
- 23 77-1331, 77-1332, 77-1343, 77-1346 to 77-1348, 77-1371, 77-1704,
- 24 77-1705, 77-1721, 77-1738, 77-1739, 77-1801, 77-1862, 77-4105,

1 79-1081, 79-1082, and 84-1411, Reissue Revised Statutes of
 2 Nebraska, sections 30-2467, 30-2469, 77-112, 77-202.05, 77-623,
 3 77-801, 77-801.01, 77-802.01, 77-802.02, 77-1229, 77-1249, 77-1344,
 4 77-1345, 77-1381, 77-1716 to 77-1718, and 77-5023, Revised Statutes
 5 Supplement, 1998, sections 13-503, 23-3202, 35-1303, 51-805,
 6 77-101, 77-202.03, 77-202.11, 77-202.12, 77-421, 77-684,
 7 77-1233.04, 77-1514, 77-1701, 79-1016, and 79-1072.04, Revised
 8 Statutes Supplement, 1999, and Laws 1999, LB 271, section 10; to
 9 change provisions relating to budgets, estates, tax levies, tax
 10 valuation, tax assessment, payment and collection of taxes, joint
 11 public agencies, and school finance; to change the operative date
 12 of changes made by Laws 1999, LB 271; to eliminate definitions and
 13 tax collection provisions; to harmonize provisions; to provide
 14 operative dates; to repeal the original sections; to outright
 15 repeal sections 77-110, 77-210, 77-1213, and 77-1333, Reissue
 16 Revised Statutes of Nebraska, and section 77-398, Revised Statutes
 17 Supplement, 1998; and to declare an emergency."

LEGISLATIVE BILL 1363. Placed on Select File as amended.

E & R amendment to LB 1363:

AM7242

- 1 1. In the Kiel amendment, AM2856, on page 1, line 2,
- 2 strike "Mexican-Americans Commission" and insert "Commission on
- 3 Mexican-Americans".
- 4 2. On page 1, line 1, after "force" insert "and a cash
- 5 fund".
- 6 3. On page 2, lines 6 and 12; and page 4, lines 4 and
- 7 12, strike "Mexican-American Commission" and insert "Commission on
- 8 Mexican-Americans".

LEGISLATIVE BILL 1363A. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: LB 1135.

Correctly Engrossed

The following bills were correctly engrossed: LBs 213, 929, 1253, 1352, and 1401A.

Enrollment and Review Change to LB 929

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

ER9135

1. In the Landis amendment, AM2477, on page 31, line 25, "subsection" has been struck and "subdivision" inserted.
2. On page 5, line 3; and page 10, lines 17 and 18, "effective date of this

act" has been struck and "operative date of this section" inserted.

**Enrollment and Review Change to LB 1135
(Final Reading copy)**

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

ER9131

1. On page 1, the matter beginning with the first "and" in line 10 through the first "change" in line 11 has been struck and "committees, and councils and a task force; to create" inserted.

2. On page 25, line 3, "a" has been inserted after "or".

3. On page 36, line 7, an underscored comma has been inserted after "donor" and "for" has been inserted after the first "or".

Enrollment and Review Change to LB 1253

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

ER9134

1. In the E & R amendments, AM7230, on page 2, lines 8 and 9, "surgery" has been struck and "surgical" inserted.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1092A. 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 1348A. 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 1427A. 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 1124. Title read. Considered.

The Standing Committee amendment, AM2845, found on page 1071, was considered.

PRESIDENT MAURSTAD PRESIDING

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment 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 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Schimek's birthday.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 317, 318, 319, 321, 322, 323, 324, 325, 326, and 327 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 317, 318, 319, 321, 322, 323, 324, 325, 326, and 327.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 812:
AM2892

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The State Board of Education shall formulate
- 4 and adopt, as soon as possible, statewide academic content
- 5 standards in the subject matter areas of reading and writing,
- 6 mathematics, science, and social studies and history and shall
- 7 assess or require the assessment of all students periodically on a
- 8 systematic basis to determine to what extent such students have met
- 9 the adopted standards. The assessment shall be a single customized
- 10 assessment. Except as provided in subsection (3) of section 2 of
- 11 this act, the results of such assessment shall be public and shall
- 12 be reported by school districts on a by-building basis in a uniform
- 13 format.
- 14 Sec. 2. (1) The purposes of the assessment and report
- 15 under section 1 of this act are to:
- 16 (a) Determine how well public schools are performing in
- 17 terms of the learning of public school students related to the
- 18 approved standards;
- 19 (b) Report the performance of public schools based upon
- 20 the results of the assessment;
- 21 (c) Provide information for the public and policymakers

22 on the performance of public schools; and

23 (d) Provide for the comparison of Nebraska public schools
24 to their peers and to school systems of other states and other
1 countries.

2 (2) The assessment and report shall include all public
3 schools and all public school students. The State Board of
4 Education shall adopt criteria for the inclusion of students with
5 disabilities, students entering the school for the first time, and
6 students with limited English proficiency.

7 (3) The assessment and report shall provide for the
8 confidentiality of the individual students.

9 (4) The report shall contain the following notice: 'The
10 assessment contained in this report measures only the success of
11 the school district's students in meeting the State Board of
12 Education's statewide academic content standards in the subject
13 matter areas of reading and writing, mathematics, science, and
14 social studies and history. The assessment does not reflect the
15 school district's success in teaching other subjects or higher
16 learning skills.'

17 Sec. 3. The State Board of Education shall adopt and
18 promulgate (1) rules and regulations requiring all school districts
19 in Nebraska to meet the standards formulated and adopted by the
20 board pursuant to section 1 of this act and (2) rules and
21 regulations necessary to implement sections 1 and 2 of this act."

Senator Landis filed the following amendment to LB 968:
AM2847

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new sections:

2 "Sec. 2. Section 18-2601, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-2601. Sections 18-2601 to 18-2608 and section 8 of
5 this act shall be known and may be cited as the Municipal
6 Infrastructure Redevelopment Fund Act.

7 Sec. 3. Section 18-2602, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 18-2602. The Legislature finds that the municipalities
10 of the state face an urgent need to construct, upgrade, and develop
11 municipal infrastructure facilities. By providing basic public
12 facilities, the municipalities of the state provide the building
13 blocks for economic development. Not only does the investment in
14 infrastructure generate an immediate stream of economic activity,
15 it also lays the groundwork for private investment that will use
16 the facilities so provided. Municipalities in the state currently
17 are in critical need of assistance in providing these facilities.

18 The Legislature determines that it is in the public
19 interest to establish a Municipal Infrastructure Redevelopment Fund
20 to provide funds to municipalities in the state to use to provide
21 infrastructure facilities and to permit municipalities in the state

22 to issue bonds secured by amounts payable from the Municipal
23 Infrastructure Redevelopment Fund and other sources.

1 Sec. 4. Section 18-2603, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2603. For purposes of the Municipal Infrastructure
4 Redevelopment Fund Act:

5 (1) Bond means any evidence of indebtedness, including,
6 but not limited to, bonds, notes including notes issued pending
7 long-term financing arrangements, warrants, debentures, obligations
8 under a loan agreement or a lease-purchase agreement, or any
9 similar instrument or obligation;

10 (2) ~~Fund shall mean~~ means the Municipal Infrastructure
11 Redevelopment Fund;

12 (2) (3) Infrastructure project ~~shall mean~~ means any of
13 the following projects, or any combination thereof, to be owned or
14 operated by a municipality: Solid waste management facilities;
15 wastewater, storm water, and water treatment works and systems,
16 water distribution facilities, and water resources projects,
17 including, but not limited to, pumping stations, transmission
18 lines, and mains and their appurtenances; hazardous waste disposal
19 systems; resource recovery systems; airports; port facilities;
20 buildings and capital equipment used in the ~~operation~~ operations
21 and activities of municipal government and to provide services to
22 the residents of the municipality; convention and tourism
23 facilities; redevelopment projects as defined in section 18-2103;
24 and mass transit and other transportation systems, including
25 parking facilities and excluding public highways and bridges and
26 municipal roads, streets, and bridges;

27 (3) (4) Municipal allocation amount ~~shall mean~~ means, for
1 each municipality, the amount derived by multiplying the amount to
2 be allocated by the fraction determined by dividing the total
3 population of the municipality by the total population of the state
4 living in municipalities, each as determined by the most recent
5 federal census figures certified by the Tax Commissioner as
6 provided in section 77-3,119; and

7 (4) (5) Municipality ~~shall mean~~ means any city of any
8 class or any village in the state.

9 Sec. 5. Section 18-2606, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 18-2606. Money received by a municipality or credited to
12 its account from the fund shall be used for one of the following
13 purposes:

14 (1) To pay for the construction, acquisition, or
15 equipping of infrastructure projects or portions thereof; or

16 (2) To pay principal, interest, premium, and costs of
17 issuance on ~~bonds debt incurred~~ or securities issued by the
18 municipality to finance the construction, acquisition, or equipping
19 of infrastructure projects or portions thereof.

20 Sec. 6. Section 18-2607, Reissue Revised Statutes of

21 Nebraska, is amended to read:

22 18-2607. Each municipality shall be permitted to pledge
23 the amounts on deposit or to be deposited in its account of the
24 fund, as and when appropriated by the Legislature, to the holders
25 of any ~~bonds debt incurred or securities~~ issued by the municipality
26 to finance the construction, acquisition, or equipping of
27 infrastructure projects as long as the lien of such pledge does not
1 attach until funds are actually deposited into the municipality's
2 account, and in no event shall such a pledge be construed as an
3 obligation of the Legislature to appropriate such funds. Any such
4 pledge shall be valid and binding from the time when the pledge is
5 made. The money so pledged and thereafter received by the
6 municipality or deposited into its respective account shall
7 immediately be subject to the lien of such pledge without any
8 physical delivery thereof or further act, and the lien of any such
9 pledge shall be valid and binding as against all parties having
10 claims of any kind in tort, contract, or otherwise against the
11 municipality, irrespective of whether the parties have notice
12 thereof. Neither the resolution nor any other instrument by which
13 a pledge is created need be recorded.

14 Sec. 7. Section 18-2608, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 18-2608. No ~~securities bonds~~ issued by any municipality
17 and ~~pledging which pledges~~ funds to be deposited in its account of
18 the fund shall constitute a debt, liability, or general obligation
19 of this state or a pledge of the faith and credit of this state but
20 shall be payable, to the extent payable from state revenue, solely
21 from amounts credited to the accounts of the fund as provided by
22 the Municipal Infrastructure Redevelopment Fund Act, as and when
23 appropriated by the Legislature. Each ~~security bond~~ issued by any
24 municipality and ~~pledging which pledges~~ funds to be deposited in
25 its account of the fund shall contain on the face thereof a
26 statement that neither the faith and credit nor the taxing power of
27 this state is pledged to the payment of the principal of or the
1 interest on such security.

2 Sec. 8. Any municipality may by ordinance issue bonds in
3 one or more series for the construction or acquisition of an
4 infrastructure project or any portion thereof and pay the principal
5 of and interest on any such bonds by pledging funds received from
6 the Municipal Infrastructure Redevelopment Fund. Such bonds shall
7 have a final maturity not later than August 1, 2009, and the
8 aggregate debt service payments and related expenses with respect
9 to all series of such bonds for any twelve-month period during
10 which such bonds are outstanding shall not exceed the anticipated
11 receipts from the fund by such municipality. For purposes of this
12 section, anticipated receipts means the amount received by the
13 municipality from the fund for the twelve-month period immediately
14 preceding the date of issuance of such bonds.
15 Any municipality which has or may issue bonds under this

16 section may dedicate a portion of its property tax levy authority
17 as provided in section 77-3442 to meet debt service obligations
18 under the bonds, but only to the extent the receipts from the fund
19 pledged to the payment of such bonds and any other money made
20 available and used for that purpose are insufficient to pay the
21 principal of and interest on such bonds as they mature.

22 Sec. 26. Section 77-3,119, Revised Statutes Supplement,
23 1998, is amended to read:

24 77-3,119. (1) The Tax Commissioner shall certify the
25 population of cities and villages to be used for purposes of
26 calculations made pursuant to subdivision ~~(3)~~ (4) of section
27 18-2603, subdivisions (3)(a) and (b) of section 35-1205,

1 subdivision (1) of section 39-2517, and sections 39-2513 and
2 77-27,137.01. The Tax Commissioner shall transmit copies of such
3 certification to all interested parties upon request.

4 (2) The Tax Commissioner shall certify the population of

5 each city and village based upon the most recent federal census.

6 The Tax Commissioner shall determine the most recent federal census

7 for each city and village by using the most recent federal census

8 figures available from (a) the most recent federal decennial

9 census, (b) the most recent federal census update or recount

10 certified by the United States Bureau of the Census, or (c) the

11 most recent federal census figure of the city or village plus the

12 population of territory annexed as calculated in sections 18-1753

13 and 18-1754.

14 (3) The Tax Commissioner may adopt and promulgate rules

15 and regulations to carry out this section."

16 2. Correct the operative date section and repealer so

17 that the sections added by this amendment become operative on their

18 effective date with the emergency clause.

19 3. Renumber the remaining sections and correct internal

20 references accordingly.

Senator Landis filed the following amendment to LB 1405:

AM2939

1 1. Strike section 6.

STANDING COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 739. Placed on General File as amended.

(Standing Committee amendment, AM2849, 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

GENERAL FILE

LEGISLATIVE BILL 936. Title read. Considered.

The Standing Committee amendment, AM2736, printed separately and referred to on page 1025, was considered.

Senator Matzke renewed his pending amendment, AM2911, found on page 1143, to the Standing Committee amendment.

Senators Janssen and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Matzke amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

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

FA335

Amend AM2736

On lines 22 and 23 of page 16 strike the phrase "without further authorization of the legislature"

On line 21, page 16 strike "filed" and insert "approved"

On line 24, page 16 strike "approved"

Pending.

AMENDMENTS - Print in Journal

Senators Bromm and Crosby filed the following amendment to LB 968:
AM2910

(Amendments to AM2432)

- 1 1. Strike sections 44 to 46.
- 2 2. On page 58, line 7, strike "in full".
- 3 3. On page 73, line 1, after the first comma insert
- 4 "and" and strike "77-1704, and 77-1705,".
- 5 4. Renumber the remaining sections and correct internal
- 6 references accordingly.

Senator Kiel filed the following amendment to LB 1405:
AM2940

- 1 1. Strike section 5.
- 2 2. Renumber the remaining section accordingly.

Senator Kiel filed the following amendment to LB 1405:
AM2938

- 1 1. On page 2, line 10, strike the first "or" and insert
- 2 a comma; and in line 11 after "tissue" insert ", or use of
- 3 pharmaceuticals, including vaccines, that were developed from

4 research utilizing aborted fetal tissue".

Senator Bohlke filed the following amendment to LB 1405:
AM2941

- 1 1. Insert the following new section:
- 2 "Sec. 7. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

BILLS ON FIRST READING

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

LEGISLATIVE BILL 825A. Introduced by Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

LEGISLATIVE BILL 1167A. 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 1167, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

MOTION - Place LB 1405 on General File

Senators Brashear and Hilgert renewed their pending motion, found on page 1053, to place LB 1405 on General File pursuant to Rule 3, Section 19(b).

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Quandahl moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

Senator Brashear moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Bruning requested a roll call vote on the motion to place LB 1405 on General File.

Voting in the affirmative, 28:

Aguilar	Baker	Brashear	Bromm	Bruning
Byars	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Pedersen, Dw.
Preister	Quandahl	Redfield	Schrock	Smith

Stuhr Tyson Vrtiska

Voting in the negative, 17:

Beutler	Bohlke	Bourne	Brown	Chambers
Connealy	Janssen	Kiel	Landis	Lynch
Pederson, D.	Raikes	Robak	Schimek	Suttle
Thompson	Wehrbein			

Present and not voting, 2:

Matzke Schmitt

Excused and not voting, 2:

Price Wickersham

The Brashear-Hilgert motion to place LB 1405 on General File prevailed with 28 ayes, 17 nays, 2 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Kristensen filed the following amendment to LB 968:
AM2776

(Amendments to Standing Committee amendments, AM2432)

- 1 1. Insert the following new section:
- 2 "Sec. 19. Any person who is leasing commercial or
- 3 residential land upon which the person has placed improvements from
- 4 a political subdivision, other than a school district, or the state
- 5 on the operative date of this section which will be subject to
- 6 taxation under section 77-202.11 shall have the option to purchase
- 7 the land before December 31, 2001. The lessee may purchase the
- 8 land at the appraised value without the improvements."
- 9 2. Correct the operative date section so that the
- 10 section added by this amendment becomes operative on its effective
- 11 date with the emergency clause.
- 12 3. Renumber the remaining sections and correct internal
- 13 references accordingly.

STANDING COMMITTEE REPORT **Education**

LEGISLATIVE BILL 1010. Placed on General File as amended.
Standing Committee amendment to LB 1010:
AM2876

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. For purposes of sales of educational lands

4 at public auction, appraised value is the adjusted value as
5 determined by the Property Tax Administrator or his or her
6 representative (1) for agricultural and horticultural land,
7 multiplied by one and twenty-five hundredths or (2) for all other
8 classes of real property, multiplied by one, unless the Board of
9 Educational Lands and Funds determines that an appraisal should be
10 conducted by an independent registered, licensed, certified
11 residential, or certified general real estate appraiser. If the
12 appraisal results in a different value, the different value shall
13 be the appraised value.

14 Sec. 2. Section 72-240.26, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 72-240.26. The board and the Nebraska Investment Council
17 shall jointly report annually to the Clerk of the Legislature, and
18 such report shall contain anticipated future actions by the board
19 as well as actions already taken. The board's portion of the
20 report shall include, with reference to each tract of land sold
21 pursuant to section 72-201.01: (1) The legal description; (2) the
22 unique characteristics of the land being sold; (3) the appraised
23 value; (4) the sale price; (5) the amount of funds received in the
24 calendar year covered by the report from the sale; (6) the
1 disposition of the funds; (7) the total number of acres of any
2 unsold educational lands remaining under the general management and
3 control of the board by county; and (8) the total appraised value
4 of unsold land; (9) the percentage of the investment portfolio
5 remaining in real estate, including all nonagricultural real
6 estate; and (10) the corresponding information for any land that
7 has been acquired or traded. The council's portion of the report
8 shall include a cost-benefit analysis which considers the land
9 being sold versus the anticipated investment potential of proceeds
10 resulting from the sale. The cost-benefit analysis model used
11 shall be consistent with the standards of the investment industry
12 at the time of the proposed sale. Each member of the Legislature
13 shall receive a copy of such report by making a request for it to
14 the chairperson of the board.

15 Sec. 3. Section 72-257, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 72-257. All lands, now owned or hereafter acquired by
18 the state for educational purposes, may be sold at the expiration
19 of the present leases. The Board of Educational Lands and Funds
20 shall retain all mineral rights in the land sold. Prior to such
21 sale, the land shall may be appraised for sale purposes in the same
22 manner as privately owned land by a representative appointed by the
23 Board of Educational Lands and Funds, and thereafter shall be sold
24 at public sale at not less than the appraised value. When ;
25 PROVIDED, that when two or more contiguous tracts are under
26 separate leases with different expiration dates, the board may, if
27 it is deemed to be in the best interest of the state, defer the
1 sale of any tract having an earlier lease expiration date, and may

2 offer the tract for lease for less than twelve years to coincide
3 with the expiring lease of the contiguous tract, in order that the
4 contiguous lands may eventually be offered for sale on the same
5 date.

6 Sec. 4. Section 72-258, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 72-258. Educational land shall be offered for sale at
9 public auction by a representative of the Board of Educational
10 Lands and Funds and sold at not less than either the appraised
11 value or the fair market value to the highest bidder. The
12 appraised value for sales purposes shall be the starting bid price.
13 Notice of such sale and the time and place where the same will be
14 held shall be given by publication three consecutive weeks in some
15 legal newspaper published in the county where the tracts of land or
16 the lots are located or, in case no legal newspaper is published in
17 the county, then in some legal newspaper of general circulation
18 therein. The proof of such publication shall be made by the
19 affidavit of the publisher or principal clerk of such newspaper or
20 by some other person knowing about the same and shall be filed in
21 the office of the board. When the land consists of an undivided
22 interest in realty, an action to partition may be maintained in the
23 same manner as provided by law for the partition of real property
24 among several joint owners. All notices of sale shall be posted in
25 the office of the board. The board may arrange for such commercial
26 advertising of land sales as it deems in the best interest of the
27 state. Any person or entity requesting that a tract of land be

1 sold at public auction shall file an agreement with the board to
2 pay the appraised value or a higher value as a minimum opening bid
3 for the land. Within sixty days after receipt by the board of the
4 request, the board shall determine whether or not to offer the
5 tract of land for sale at public auction with a minimum opening bid
6 equal to that amount stated in the accepted agreement for the
7 opening bid and shall notify the person or entity requesting the
8 auction of the board's determination prior to advertising the tract
9 of land for sale. If the board determines to offer the tract of
10 land for sale at public auction, the auction shall be held within
11 one hundred twenty days after the board accepts the agreement for a
12 minimum bid. If the board determines not to offer the tract of
13 land for sale, the offering price and legal description of the
14 tract of land shall be included in an annual report to the
15 Legislature. The sale shall be subject to confirmation by the
16 board that the requirements of this section have been met.
17 Settlement shall be made by paying cash of not less than twenty
18 percent of the purchase price at the time of sale, and the balance
19 shall be payable in cash within ninety days after the date of sale.
20 If the person submitting the high bid for the land fails to pay the
21 balance of the purchase price and complete the sale within ninety
22 days, his or her rights under the sale, including the twenty
23 percent downpayment, shall be forfeited by the board and a new sale

24 shall be authorized.

25 Sec. 5. Section 72-258.02, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 72-258.02. Whenever a portion of the National System of
1 Interstate and Defense Highways is constructed on school land and
2 an interchange is constructed on such school land, the Board of
3 Educational Lands and Funds shall ~~appraise such land and~~ offer it
4 for sale at public auction in such tracts as the board shall
5 determine, and sell it at not less than its appraised value. The
6 sale shall be made subject to the rights of leaseholders, if any,
7 and the leaseholder shall be paid for improvements and the value of
8 the leasehold for agricultural purposes. The sale shall be made in
9 accordance with the provisions of section 72-258.

10 Sec. 6. Original sections 72-240.26, 72-257, 72-258, and
11 72-258.02, Reissue Revised Statutes of Nebraska, are repealed."

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 352. Placed on Select File as amended.
(E & R amendment, AM7241, 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 1092A. Placed on Select File.

LEGISLATIVE BILL 1348A. Placed on Select File.

LEGISLATIVE BILL 1427A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the
following appointment:

Fredrickson, Marilee - Accountability and Disclosure Commission --
Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 25 students and teachers from Adams Middle
School, North Platte; and 13 students and teachers from Bancroft
Elementary School, Omaha.

RECESS

At 12:02 p.m., on a motion by Senator 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 Senators Bohlke, Bromm, Brown, Dierks, Engel, Hilgert, Janssen, Jones, Kiel, Kristensen, Landis, Lynch, Price, Robak, Schmitt, Schrock, Stuhr, Tyson, and Wickersham who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1448. E & R amendment, AM7236, found on page 1123, was adopted.

Senator Vrtiska offered the following amendment:
AM2949

(Amendments to E & R amendments, AM7236)

- 1 1. On page 1, strike lines 11 through 14.
- 2 2. On page 3, line 8, strike "275,086.77" and insert
- 3 "271,136.77"; and in line 10 strike "298,286.77" and insert
- 4 "294,336.77".

The Vrtiska amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1214. E & R amendment, AM7231, found on page 1067, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1214A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1215. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1216. E & R amendment, AM7232, found on page 1067, was adopted.

Senator Wehrbein offered the following amendment:
AM2810

(Amendments to Standing Committee amendments, AM2688)

- 1 1. On page 1, line 3, strike "Procurement" and insert

- 2 "Purchasing"; and in lines 4, 6, 8, 14, 19, 20, 21, and 22 strike
3 "procurement" and insert "purchasing".
4 2. On page 2, lines 5, 15, and 16, strike "procurement"
5 and insert "purchasing".

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Coordsen offered the following amendment:

AM2889

- 1 1. Insert the following new section:
2 "Sec. 7. Section 13-2305, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 13-2305. The Nebraska Local Government Innovation and
5 Restructuring Fund is hereby created. The fund shall be used to
6 carry out the purposes of sections 13-2301 to 13-2306. The fund
7 shall be administered by the Department of Administrative Services
8 and shall receive funds pursuant to sections 77-912 and 77-913.
9 Any money in the fund available for investment shall be invested by
10 the state investment officer pursuant to the Nebraska Capital
11 Expansion Act and the Nebraska State Funds Investment Act.
12 On June 30, 2000, any unobligated, unexpended balance
13 existing in the Nebraska Local Government Innovation and
14 Restructuring Fund shall be transferred to the Department of
15 Administrative Services Cash Fund."
16 2. On page 32, line 13, after "sections" insert
17 "13-2305".
18 3. Renumber the remaining sections accordingly.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1217. E & R amendment, AM7234, printed separately and referred to on page 1104, was adopted.

Senator Brashear withdrew his amendment, AM2803, found on page 1053.

Senator Tyson asked unanimous consent to replace his pending amendment, AM2804, found on page 1069, with a substitute amendment. No objections. So ordered.

Senator Tyson withdrew his amendment, AM2804, found on page 1069.

Senator Tyson offered the following substitute amendment:

AM2935

(Amendments to E & R amendments, AM7234)

- 1 1. Insert the following new section:
- 2 "Sec. 27. AGENCY NO. 33 -- GAME AND PARKS COMMISSION
- 3 Program No. 973 - Improvements to Fish Production
- 4 Facilities
- 5
- 6

	<u>FY1999-00</u>	<u>FY2000-01</u>
6 CASH FUND	<u>200,000</u>	<u>-0-</u>
7 PROGRAM TOTAL	<u>200,000</u>	<u>-0-</u>
- 8 There is included in the appropriation to this program
- 9 for FY1999-00 \$200,000 Cash Funds for the acquisition of rivers and
- 10 streams.
- 11 The June 30, 1999, reappropriated Cash Fund balance for
- 12 reservoir construction is hereby reduced by \$200,000."
- 13 2. Renumber the remaining sections accordingly.

The Tyson amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Senator Chambers withdrew his amendment, FA320, found on page 1049.

Senator Chambers asked unanimous consent to replace his pending amendment, FA321, found on page 1049, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his amendment, FA321, found on page 1049.

Senator Chambers offered the following substitute amendment:

AM2937

(Amendments to E & R amendments, AM7234)

- 1 1. On page 16, line 17, strike "176,814" and insert
- 2 "-0-"; in line 18 strike "158,466" and insert "-0-"; in line 19
- 3 strike "335,280" and insert "-0-"; and in line 25 strike "233,430"
- 4 and insert "-0-".

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

SENATOR CROSBY PRESIDING

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Aguilar	Baker	Brashear	Chambers	Connealy
Coordsen	Cudaback	Hartnett	Hilgert	Janssen
Kremer	Kristensen	Landis	Raikes	Redfield
Robak	Schimek	Suttle	Tyson	Vrtiska

Voting in the negative, 16:

Bromm	Brown	Bruning	Byars	Crosby
Dickey	Dierks	Hudkins	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Schrock	Smith
Wehrbein				

Present and not voting, 10:

Beutler	Bohlke	Bourne	Jensen	Jones
Kiel	Quandahl	Schmitt	Stuhr	Thompson

Excused and not voting, 3:

Engel	Price	Wickersham
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The Chambers amendment lost with 20 ayes, 16 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Redfield asked unanimous consent to be excused. No objections. So ordered.

Senator Raikes offered the following amendment:
AM2964

(Amendments to E & R amendments, AM7234)

- 1 1. Strike section 107 and insert the following new
- 2 section:
- 3 "Sec. 59. AGENCY NO. 96 -- DEPARTMENT OF PROPERTY TAX
- 4 ASSESSMENT AND TAXATION
- 5 Program No. 132 - Relief to Taxpayers
- 6
- 7

	<u>FY1999-00</u>	<u>FY2000-01</u>
7 CASH FUND	-0-	<u>10,000,000</u>
8 PROGRAM TOTAL	-0-	<u>10,000,000</u>
9 SALARY LIMIT	-0-	<u>-0-</u>
- 10 2. On page 110, line 27, strike "and" and show as
- 11 stricken.
- 12 3. On page 111, line 3, after "2001" insert ";
- 13 (u) From the General Fund (1000) to the Relief to
- 14 Property Taxpayers Cash Fund (2961): \$10,000,000 on August 16,
- 15 2000; and
- 16 (v) From the General Fund (1000) to the Cash Reserve Fund
- 17 (1100): \$20,000,000 during FY2000-01"; and in lines 10 and 18
- 18 strike "242,".
- 19 4. Renumber the remaining sections accordingly.

The Raikes amendment lost with 5 ayes, 22 nays, 20 present and not voting, and 2 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Education

Thursday, March 30, 2000

1:30 p.m.

Coordinating Commission for Postsecondary Education
Earl Scudder

(Signed) Ardyce L. Bohlke, Chairperson

Health and Human Services

Tuesday, March 28, 2000

1:15 p.m.

Board of Emergency Medical Services

Robert Olson

Commission for the Deaf and Hard of Hearing

Margaret Coleman

Esther Seanor

Tricia Tighe

Excellence in Healthcare Council

John Klosterman

Cordelia Okoye

Health and Human Services System Partnership Council

Christopher Rodgers

(Signed) Jim Jensen, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1124A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1124, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

March 21, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1125, 1190, 155e, 438, 921, 1018, 1192e, 930, 944e, 960, and 1317e were received in my office on March 16, 2000.

These bills were signed by me on March 21, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 1115:
AM2943

- 1 1. Insert the following sections:
- 2 "Sec. 22. Section 71-1,153, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-1,153. Sections 71-1,152.01 to 71-1,185 and section
- 5 24 of this act shall be known and may be cited as the Nebraska
- 6 Veterinary Practice Act.
- 7 Sec. 23. Section 71-1,154, Revised Statutes Supplement,
- 8 1999, is amended to read:
- 9 71-1,154. When used in the Nebraska Veterinary Practice
- 10 Act and elsewhere in the Uniform Licensing Law, unless the context
- 11 otherwise requires:
- 12 (1) Animal shall mean any animal other than man and shall
- 13 include birds, fish, and reptiles, wild or domestic, living or
- 14 dead, except domestic poultry;
- 15 (2) Veterinary medicine and surgery shall include
- 16 veterinary surgery, obstetrics, dentistry, and all other branches
- 17 or specialties of veterinary medicine;
- 18 (3) Practice of veterinary medicine and surgery shall
- 19 mean:
- 20 (a) To diagnose, treat, correct, change, relieve, or
- 21 prevent animal disease, deformity, defect, injury, or other
- 22 physical or mental conditions, including the prescription or
- 23 administration of any drug, medicine, biologic, apparatus,
- 24 application, anesthetic, or other therapeutic or diagnostic
- 1 substance or technique; and the use of any manual or mechanical
- 2 procedure for testing for pregnancy; or for correcting sterility;
- 3 or infertility. The acts described in this subdivision shall not
- 4 be done without a valid veterinarian-client-patient relationship;
- 5 (b) To ; ~~or to~~ render advice or recommendation with
- 6 regard to any ~~of the above~~ act described in subdivision (a) of this
- 7 subdivision;
- 8 ~~(b)~~ (c) To represent, directly or indirectly, publicly or
- 9 privately, an ability and willingness to do any act described in
- 10 subdivision (a) of this subdivision; and
- 11 ~~(e)~~ (d) To use any title, words, abbreviation, or letters
- 12 in a manner or under circumstances which induce the belief that the

13 person using them is qualified to do any act described in

14 subdivision (a) of this subdivision;

15 (4) Veterinarian shall mean a person who has received a
16 doctor's degree in veterinary medicine from an accredited school of
17 veterinary medicine or its equivalent;

18 (5) Licensed veterinarian shall mean a person who is
19 validly and currently licensed to practice veterinary medicine and
20 surgery in this state;

21 (6) Veterinarian-client-patient relationship shall mean
22 that:

23 (a) The veterinarian has assumed the responsibility for
24 making clinical judgments regarding the health of the animal and
25 the need for medical treatment, and the client has agreed to follow
26 the veterinarian's instructions;

27 (b) The veterinarian has sufficient knowledge of the
1 animal to initiate at least a general or preliminary diagnosis of
2 the medical condition of the animal. This means that the
3 veterinarian has recently seen and is personally acquainted with
4 the keeping and care of the animal by virtue of an examination of
5 the animal or by medically appropriate and timely visits to the
6 premises where the animal is kept; and

7 (c) The veterinarian is readily available or has arranged
8 for emergency coverage and for followup evaluation in the event of
9 adverse reactions or the failure of the treatment regimen;

10 (7) Accredited school of veterinary medicine within the
11 meaning of the Nebraska Veterinary Practice Act shall mean:

12 (a) One approved by the department upon the
13 recommendation of the board;

14 (b) A veterinary college or division of a university or
15 college that offers the degree of Doctor of Veterinary Medicine or
16 its equivalent; and

17 (c) One that conforms to the standards required for
18 accreditation by the American Veterinary Medical Association;

19 ~~(7)~~ (8) Person shall mean any individual, firm,
20 partnership, limited liability company, association, joint venture,
21 cooperative and corporation, or any other group or combination
22 acting in concert; and whether or not acting as a principal,
23 trustee, fiduciary, receiver, or as any other kind of legal or
24 personal representative, or as the successor in interest, assignee,
25 agent, factor, servant, employee, director, officer, or any other
26 representative of such person;

27 ~~(8)~~ (9) Board shall mean the Board of Veterinary Medicine
1 and Surgery; and

2 ~~(9)~~ (10) Department shall mean the Department of Health
3 and Human Services Regulation and Licensure.

4 Sec. 24. Unless required by any state or local law for
5 contagious or infectious disease reporting or other public health
6 and safety purpose, no veterinarian licensed under the Nebraska
7 Veterinary Practice Act shall be required to disclose any

8 information concerning the veterinarian's care of an animal except
9 under a written authorization or other waiver by the veterinarian's
10 client or pursuant to a court order or a subpoena. A veterinarian
11 who releases information under a written authorization or other
12 waiver by the client or pursuant to a court order or a subpoena is
13 not liable to the client or any other person. The privilege
14 provided by this section is waived to the extent that the
15 veterinarian's client or the owner of the animal places the
16 veterinarian's care and treatment of the animal or the nature and
17 extent of injuries to the animal at issue in any civil or criminal
18 proceeding. For purposes of this section, veterinarian includes
19 the employees or agents of the licensed veterinarian while acting
20 for or on behalf of such veterinarian."
21 2. Amend the operative date and repealer provisions so
22 that the sections added by this amendment become operative with the
23 emergency clause.
24 3. Renumber the remaining sections and correct internal
25 references accordingly.

Senators Dierks and Jensen filed the following amendment to LB 1115:
AM2953

1 1. Strike original section 22 and insert the following
2 sections:
3 "Sec. 12. Section 71-112, Revised Statutes Supplement,
4 1999, is amended to read:
5 71-112. The professional boards provided in section
6 71-111 shall be designated as follows:
7 (1) For medicine and surgery and osteopathic medicine and
8 surgery, Board of Medicine and Surgery;
9 (2) For athletic training, Board of Athletic Training;
10 (3) For respiratory care, Board of Respiratory Care
11 Practice;
12 (4) For chiropractic, Board of Chiropractic;
13 (5) For dentistry and dental hygiene, Board of Dentistry;
14 (6) For optometry, Board of Optometry;
15 (7) For massage therapy, Board of Massage Therapy;
16 (8) For physical therapy, Board of Physical Therapy;
17 (9) For pharmacy, Board of Pharmacy;
18 (10) For audiology and speech-language pathology, Board
19 of Audiology and Speech-Language Pathology;
20 (11) For medical nutrition therapy, Board of Medical
21 Nutrition Therapy;
22 (12) For funeral directing and embalming, Board of
23 Funeral Directing and Embalming;
24 (13) For podiatry, Board of Podiatry;
1 (14) For psychology, Board of Psychologists;
2 (15) For veterinary medicine and surgery, Board of
3 Veterinary Medicine and Surgery; and
4 (16) For mental health practice, Board of Mental Health

5 Practice.

6 Any change made by the Legislature of the names of boards
7 listed in this section shall not change the membership of such
8 boards or affect the validity of any action taken by or the status
9 of any action pending before any of such boards. Any such board
10 newly named by the Legislature shall be the direct and only
11 successor to the board as previously named.

12 Sec. 23. Section 71-1,152.01, Revised Statutes

13 Supplement, 1999, is amended to read:

14 71-1,152.01. The purpose of the Board of Veterinary

15 Medicine and Surgery is to: (1) Provide for the health, safety, and
16 welfare of the citizens; (2) insure that veterinarians serving the
17 public meet minimum standards of proficiency and competency; (3)
18 insure that schools of veterinary medicine and surgery meet the
19 educational needs of the students and qualify students to serve the
20 public in a safe and efficient manner; and (4) control the field of
21 veterinary medicine and surgery in the interest of consumer
22 protection.

23 Sec. 24. Section 71-1,153, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 ~~71-1,153. Sections 71-1,152.01 to 71-1,185 71-1,163 and~~
26 sections 26 and 27 of this act shall be known and may be cited as
27 the Nebraska Veterinary Practice Act.

1 Sec. 25. Section 71-1,154, Revised Statutes Supplement,
2 1999, is amended to read:

3 71-1,154. When used in the Nebraska Veterinary Practice
4 Act and elsewhere in the Uniform Licensing Law, unless the context
5 otherwise requires:

6 (1) Animal ~~shall mean means~~ any animal other than man and
7 ~~shall include~~ includes birds, fish, and reptiles, wild or domestic,
8 living or dead, except domestic poultry;

9 (2) Veterinary medicine and surgery ~~shall include~~
10 includes veterinary surgery, obstetrics, dentistry, and all other
11 branches or specialties of veterinary medicine;

12 (3) Practice of veterinary medicine and surgery shall
13 ~~mean means~~:

14 (a) To diagnose, treat, correct, change, relieve, or
15 prevent animal disease, deformity, defect, injury, or other
16 physical or mental conditions, including the prescription or
17 administration of any drug, medicine, biologic, apparatus,
18 application, anesthetic, or other therapeutic or diagnostic
19 substance or technique, and the use of any manual or mechanical
20 procedure for testing for pregnancy; or for correcting sterility;
21 or infertility, or to render advice or recommendation with regard
22 to any of the above;

23 (b) To represent, directly or indirectly, publicly or
24 privately, an ability and willingness to do any act described in
25 subdivision (a) of this subdivision; and

26 (c) To use any title, words, abbreviation, or letters in

27 a manner or under circumstances which induce the belief that the
1 person using them is qualified to do any act described in
2 subdivision (a) of this subdivision;

3 (4) Veterinarian ~~shall mean~~ means a person who has
4 received a doctor's degree in veterinary medicine from an
5 accredited school of veterinary medicine or its equivalent;

6 (5) Licensed veterinarian ~~shall mean~~ means a person who
7 is validly and currently licensed to practice veterinary medicine
8 and surgery in this state;

9 (6) Accredited school of veterinary medicine within the
10 meaning of the Nebraska Veterinary Practice Act ~~shall mean~~ means:

11 (a) One approved by the department upon the
12 recommendation of the board;

13 (b) A veterinary college or division of a university or
14 college that offers the degree of Doctor of Veterinary Medicine or
15 its equivalent; and

16 (c) One that conforms to the standards required for
17 accreditation by the American Veterinary Medical Association;

18 (7) Person ~~shall mean~~ means any individual, firm,
19 partnership, limited liability company, association, joint venture,
20 cooperative and corporation, or any other group or combination
21 acting in concert; and whether or not acting as a principal,
22 trustee, fiduciary, receiver, or as any other kind of legal or
23 personal representative, or as the successor in interest, assignee,
24 agent, factor, servant, employee, director, officer, or any other
25 representative of such person;

26 (8) Board ~~shall mean~~ means the Board of Veterinary
27 Medicine and Surgery; and

1 (9) Department ~~shall mean~~ means the Department of Health
2 and Human Services Regulation and Licensure;

3 (10) Veterinary technician means an individual who has
4 met one of the requirements of subsection (1) of section 26 of this
5 act;

6 (11) Licensed veterinary technician means a veterinary
7 technician who is validly and currently licensed as a veterinary
8 technician in this state. Only a licensed veterinary technician
9 may advertise or offer his or her services in a manner calculated
10 to lead others to believe that he or she is a veterinary
11 technician;

12 (12) Unlicensed assistant means an individual who is not
13 a veterinarian or a veterinary technician who is working in
14 veterinary medicine;

15 (13) Supervisor means a licensed veterinarian or licensed
16 veterinary technician as required by statute or rule or regulation
17 for the particular delegated task being performed by a veterinary
18 technician or unlicensed assistant;

19 (14) Immediate supervision means that the supervisor is
20 on the premises and is in direct eyesight and hearing range of the
21 animal and the veterinary technician or unlicensed assistant who is

22 treating the animal and the animal has been examined by a
23 veterinarian at such times as acceptable veterinary practice
24 requires consistent with the particular delegated animal health
25 care task;

26 (15) Direct supervision means that the supervisor is on
27 the premises and is available to the veterinary technician or
1 unlicensed assistant who is treating the animal and the animal has
2 been examined by a veterinarian at such times as acceptable
3 veterinary practice requires consistent with the particular
4 delegated animal health care task; and

5 (16) Indirect supervision means that the supervisor is
6 not on the premises but is easily accessible and has given written
7 or oral instructions for treatment of the animal and the animal has
8 been examined by a veterinarian at such times as acceptable
9 veterinary practice requires consistent with the particular
10 delegated animal health care task.

11 Sec. 26. (1) To be a veterinary technician in this
12 state, an individual shall meet one of the following requirements:

13 (a) Be a graduate of an American Veterinary Medical
14 Association approved veterinary technician program and receive a
15 passing score on the national exam for such program as determined
16 by the board;

17 (b) On the operative date of this section, be an approved
18 animal technician certified under sections 71-1,168 to 71-1,185 as
19 such sections existed prior to such date; or

20 (c) Have at least five years or more full-time experience
21 working with a veterinarian, be employed by a veterinarian on the
22 operative date of this section, and within three years after such
23 date receive a passing score on the national exam described in
24 subdivision (1)(a) of this section as determined by the board.

25 (2) To keep the license active, a licensed veterinary
26 technician shall earn credit for twenty-four hours of continuing
27 education every three years as approved by the board.

1 Sec. 27. (1) The department shall adopt and promulgate
2 rules and regulations providing for (a) licensure of veterinary
3 technicians meeting the requirements of section 26 of this act and
4 (b) standards for the level of supervision required for particular
5 delegated animal health care tasks and which determine which tasks
6 may be performed by a veterinary technician and by unlicensed
7 assistants. The level of supervision may be immediate, direct, or
8 indirect as determined by the department based upon the complexity
9 and requirements of the task.

10 (2) The department shall establish and collect the
11 following fees:

12 (a) For an initial application for licensure as a
13 veterinarian technician, an amount not less than five dollars nor
14 more than seventy-five dollars;

15 (b) For annual renewal of licensure as a veterinarian
16 technician, an amount not less than five dollars nor more than

17 forty dollars; and

18 (c) For a duplicate original license, ten dollars.

19 Sec. 28. Section 71-1,158, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-1,158. Any person desiring a license to practice
22 veterinary medicine and surgery in this state shall make written
23 application to the board. The application shall include:

24 (1) Proof show that the applicant is twenty-one years of
25 age or more;

26 (2) Information indicating that the applicant is ; a
27 graduate of an accredited veterinary school; and a person of good
1 moral character;

2 (3) Proof that the applicant is a graduate of an
3 accredited school of veterinary medicine or holds a certificate
4 issued by the American Veterinary Medical Association Education
5 Commission for Foreign Veterinary Graduates indicating that the
6 holder has demonstrated knowledge and skill equivalent to that
7 possessed by a graduate of an accredited college of veterinary
8 medicine; and

9 (4) Such and such other information and proof as the
10 board may require by rule and regulation. The application shall be
11 accompanied by a fee of not less than seventy-five dollars nor more
12 than two hundred dollars, the amount of such fee to be determined
13 by a rule or regulation adopted and promulgated by the department
14 with the approval of the board.

15 If the board determines that the applicant possesses the
16 proper qualifications, the board shall admit the applicant to the
17 next examination, or if the applicant is eligible for a license
18 without examination under section 71-1,160, the board may forthwith
19 recommend that he or she be issued a license. If an applicant is
20 found not qualified to take the examination or for a license
21 without examination, the board shall immediately notify the
22 applicant in writing of such finding and the grounds therefor.

23 Sec. 29. Section 71-1,160, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-1,160. The board may direct the issuing of a license
26 without a written examination to a qualified applicant who
27 furnishes satisfactory proof required under subdivision (3) of
1 section 71-1,158 that he or she is a graduate of an accredited
2 veterinary school and who:

3 (1) Has for one year prior to filing his or her
4 application been a practicing veterinarian licensed in a state,
5 territory, or district of the United States having license
6 requirements, at the time the applicant was first licensed, which
7 were substantially equivalent to the requirements of the Nebraska
8 Veterinary Practice Act; or

9 (2) Has prior to filing his or her application
10 successfully completed and passed the an examination conducted by
11 the National Board of Veterinary Examiners approved by the board.

12 At its discretion, the board may orally or practically
 13 examine any person qualifying for licensing under this section.
 14 Sec. 30. Section 71-1,161, Reissue Revised Statutes of
 15 Nebraska, is amended to read:
 16 71-1,161. The board may recommend to the department the
 17 issuance of a temporary license to practice veterinary medicine and
 18 surgery upon receipt of a fee of fifty dollars and the completed
 19 application to (1) any person who has a current license to practice
 20 veterinary medicine and surgery in another state, territory, or
 21 district of the United States or (2) any person who ~~has graduated~~
 22 ~~from an approved veterinary school~~ furnishes satisfactory proof
 23 required under subdivision (3) of section 71-1,158 and has passed
 24 an examination conducted by the National Board of Veterinary
 25 Examiners. Such temporary license shall be valid until the date on
 26 which the results of the next licensure examination are available
 27 to the department and it may not be renewed. The holder of a
 1 temporary license shall be entitled to practice veterinary medicine
 2 and surgery.
 3 Sec. 89. The following sections are outright repealed:
 4 Sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178,
 5 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised
 6 Statutes of Nebraska, and section 71-1,171, Revised Statutes
 7 Supplement, 1999."
 8 2. Amend the operative date and repealer provisions so
 9 that the sections added by this amendment become operative with the
 10 emergency clause.
 11 3. Renumber the remaining sections and correct internal
 12 references accordingly.

Senator Chambers filed the following amendment to LB 973:
 AM2962

1 1. Strike section 1 and insert the following new
 2 sections:
 3 "Section 1. Section 53-123.12, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 53-123.12. Any person desiring to obtain a new license
 6 to operate a farm winery shall:
 7 (1) File an application with the commission in triplicate
 8 original upon such forms as the commission from time to time
 9 prescribes;
 10 (2) Pay the license fee to the commission under
 11 subdivision (2) of section 53-124, which fee shall be returned to
 12 the applicant if the application is denied; and
 13 (3) Pay the state registration fee to the commission in
 14 the sum of ~~thirty~~ forty-five dollars.
 15 License fees and registration fees may be paid to the
 16 commission by certified or cashier's check of a bank within this
 17 state, personal or business check, United States post office money
 18 order, or cash in the full amount of such fees. The commission

19 shall then notify, by registered or certified mail marked return
20 receipt requested with postage prepaid, the municipal clerk of the
21 city or incorporated village where such license is sought or, if
22 the license is not sought within a city or incorporated village,
23 the county clerk of the county where such license is sought of the
24 receipt of the application and shall enclose with such notice one
1 copy of the application. No such license shall then be issued by
2 the commission until the expiration of at least forty-five days
3 from the date of mailing such application by the commission.
4 Within thirty-five days from the date of receipt of such
5 application from the commission, the local governing bodies of
6 nearby cities or villages or the county may make and submit to the
7 commission recommendations relative to the granting of or refusal
8 to grant such license to the applicant.

9 Sec. 2. Section 53-124.11, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 53-124.11. (1) The commission may issue a special
12 designated license for sale or consumption of alcoholic liquor at a
13 designated location to a retail licensee, a craft brewery licensee,
14 a municipal corporation, a fine arts museum incorporated as a
15 nonprofit corporation, a religious nonprofit corporation which has
16 been exempted from the payment of federal income taxes, a political
17 organization which has been exempted from the payment of federal
18 income taxes, or any other nonprofit corporation the purpose of
19 which is fraternal, charitable, or public service and which has
20 been exempted from the payment of federal income taxes, under
21 conditions specified in this section. The applicant shall
22 demonstrate meeting the requirements of this subsection.

23 (2) No retail licensee, craft brewery licensee,
24 organization, or corporation enumerated in subsection (1) of this
25 section may be issued a special designated license under this
26 section for more than six calendar days in any one calendar year.

27 Only one special designated license shall be required for any
1 application for two or more consecutive days. This subsection
2 shall not apply to any holder of a catering license.

3 (3) Except for any special designated license issued to a
4 holder of a catering license, there shall be a fee of ~~twenty-five~~
5 forty dollars for each day identified in the special designated
6 license. Such fee shall be submitted with the application for the
7 special designated license, collected by the commission, and
8 remitted to the State Treasurer for credit to the General Fund.

9 The applicant shall be exempt from the provisions of the Nebraska
10 Liquor Control Act requiring a registration fee and the provisions
11 of the act requiring the expiration of forty-five days from the
12 time the application is received by the commission prior to the
13 issuance of a license, if granted by the commission. The retail
14 licensees, craft brewery licensees, municipal corporations,
15 organizations, and nonprofit corporations enumerated in subsection
16 (1) of this section seeking a special designated license shall file

17 an application on such forms as the commission may prescribe. Such
18 forms shall contain, along with other information as required by
19 the commission, (a) the name of the applicant, (b) the premises for
20 which a special designated license is requested, identified by
21 street and number if practicable and, if not, by some other
22 appropriate description which definitely locates the premises, (c)
23 the name of the owner or lessee of the premises for which the
24 special designated license is requested, (d) sufficient evidence
25 that the holder of the special designated license, if issued, will
26 carry on the activities and business authorized by the license for
27 himself, herself, or itself and not as the agent of any other

1 person, group, organization, or corporation, for profit or not for
2 profit, (e) a statement of the type of activity to be carried on
3 during the time period for which a special designated license is
4 requested, and (f) sufficient evidence that the activity will be
5 supervised by persons or managers who are agents of and directly
6 responsible to the holder of the special designated license.

7 (4) No special designated license provided for by this
8 section shall be issued by the commission without the approval of
9 the local governing body. The local governing body may establish
10 criteria for approving or denying a special designated license.
11 The local governing body may designate an agent to determine
12 whether a special designated license is to be approved or denied.
13 Such agent shall follow criteria established by the local governing
14 body in making his or her determination. The determination of the
15 agent shall be considered the determination of the local governing
16 body unless otherwise provided by the local governing body. For
17 purposes of this section, the local governing body shall be the
18 city or village within which the premises for which the special
19 designated license is requested are located or, if such premises
20 are not within the corporate limits of a city or village, then the
21 local governing body shall be the county within which the premises
22 for which the special designated license is requested are located.

23 (5) If the applicant meets the requirements of this
24 section, a special designated license shall be granted and issued
25 by the commission for use by the holder of the special designated
26 license. All statutory provisions and rules and regulations of the
27 commission that apply to a retail licensee shall apply to the

1 holder of a special designated license with the exception of such
2 statutory provisions and rules and regulations of the commission so
3 designated by the commission and stated upon the issued special
4 designated license, except that the commission may not designate
5 exemption of sections 53-180 to 53-180.07. The decision of the
6 commission shall be final. If the applicant does not qualify for a
7 special designated license, the application shall be denied by the
8 commission.

9 (6) A special designated license issued by the commission
10 shall be mailed or delivered to the city, village, or county clerk
11 who shall deliver such license to the licensee upon receipt of any

12 fee or tax imposed by such city, village, or county.

13 Sec. 3. Section 53-130, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 53-130. New licenses to manufacturers, wholesalers,
16 railroads, airlines, boats, and nonbeverage users of alcoholic
17 liquor may be issued by the commission upon (1) written application
18 in duplicate filed in the manner and on such forms as the
19 commission prescribes and in which the applicant for a beer
20 wholesale license sets forth the sales territory in Nebraska in
21 which it is authorized by a manufacturer or manufacturers to sell
22 their brand or brands and the name of such brand or brands, (2)
23 receipt of bond, (3) payment in advance of the state registration
24 fee of ~~thirty~~ forty-five dollars and the license fee, and (4) such
25 notice and hearing as the commission fixes by its own order. A
26 notice of such application shall be served upon the manufacturer or
27 manufacturers listed in any application for a beer wholesale

1 license and upon any existing wholesaler licensed to sell the brand
2 or brands in the described sales territory. A license so issued
3 may be renewed without formal application upon payment of license
4 and registration fees. The payment of such fees shall be an
5 affirmative representation and certification by the licensee that
6 all answers contained in an application, if submitted, would be the
7 same in all material respects as the answers contained in the last
8 previous application. The commission may at any time require a
9 licensee to submit an application.

10 Sec. 4. Section 53-131, Revised Statutes Supplement,
11 1999, is amended to read:

12 53-131. (1) Any person desiring to obtain a new license
13 to sell alcoholic liquor at retail, a bottle club license, or a
14 craft brewery license shall file with the commission:

15 (a) An application in triplicate original upon forms the
16 commission prescribes;

17 (b) The license fee if under section 53-124 such fee is
18 payable to the commission, which fee shall be returned to the
19 applicant if the application is denied; and

20 (c) The state registration fee in the sum of ~~thirty~~
21 forty-five dollars.

22 (2) The commission shall notify, by registered or
23 certified mail, return receipt requested with postage prepaid, the
24 clerk of the city or village in which such license is sought or, if
25 the license is not sought within a city or village, the county
26 clerk of the county in which such license is sought, of the receipt
27 of the application and shall enclose one copy of the application
1 with the notice. No such license shall be issued or denied by the
2 commission until the expiration of the time allowed for the receipt
3 of a recommendation of denial or an objection requiring a hearing
4 under subdivision (1)(a) or (b) of section 53-133. During the
5 period of forty-five days after the date of receiving such
6 application from the commission, the local governing body of such

7 city, village, or county may make and submit to the commission
8 recommendations relative to the granting or refusal to grant such
9 license to the applicant.

10 Sec. 5. Section 53-138.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 53-138.01. The State Treasurer shall credit ~~twenty-five~~
13 forty dollars of each state registration fee to the General Fund
14 and the remaining five dollars to the Nebraska Liquor Control
15 Commission Rule and Regulation Cash Fund to be used for providing
16 licensees with materials pursuant to section 53-117.05. All retail
17 license fees received by the city or village treasurer, as the case
18 may be, shall inure to the school fund of the district lying wholly
19 or partially within the corporate limits of such city or village.
20 The State Treasurer shall credit all license fees received by the
21 commission for licenses issued pertaining to alcoholic liquor,
22 including beer, to the temporary school fund to be used for the
23 support of the common schools as provided in Article VII, section
24 5, of the Constitution of Nebraska. All retail license fees
25 received by the county treasurer, as provided in section 53-124,
26 shall be credited to the school fund of the county.

27 Sec. 6. Section 53-192, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 53-192. ~~No~~ A person or common carrier shall not haul or
3 transport alcoholic liquor, except beer, whether by boat, airplane,
4 automobile, truck, wagon, or other conveyance, in or into this
5 state, for sale, or for storage and sale in this state, upon which
6 the required labeling or gauging fee, tax, duty, or license has not
7 been paid. A person or common carrier shall not haul or transport
8 alcoholic liquor, whether by boat, airplane, automobile, truck, or
9 other conveyance, in or into this state for personal use, unless
10 the required labeling or gauging fee, tax, duty, or license has
11 been paid, either in this state or the state where such alcoholic
12 liquor was purchased."

13 2. On page 2, line 9, strike "section" and insert
14 "sections 53-123.12, 53-124.11, 53-130, 53-138.01, and"; and in
15 line 10 strike "is" and insert "and section 53-131, Revised
16 Statutes Supplement, 1999, are".

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1124. Placed on Select File as amended.
E & R amendment to LB 1124:
AM7243

- 1 1. On page 1, strike beginning with "amend" in line 1
- 2 through line 9 and insert "create the Greenbelt Advisory Committee;
- 3 to provide powers and duties; and to declare an emergency."

Correctly Engrossed

The following bills were correctly engrossed: LBs 1004, 1085, 1197, 1436, and 1436A.

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:
ER9132

1. In the Bromm et al. amendment, AM2740, on page 1, line 1, the second "7" has been struck and "8" inserted.

2. In lieu of the Chambers amendment, FA312, in the Chambers-D. Pederson amendment, AM2582:

a. On page 1, line 23; page 3, line 2; page 4, line 14; page 8, line 4; page 14, line 7; page 15, line 20; and page 17, line 25, "or" has been inserted after the comma;

b. On page 2, the matter beginning with "or" in line 2 through the comma in line 6 has been struck;

c. On page 3, the matter beginning with "or" in line 5 through the comma in line 9 has been struck;

d. On page 4, lines 15 through 18, the new matter has been struck; in line 19 "or" has been struck and shown as stricken; in line 20 "(v)" has been struck and "(iv)" inserted; and in line 21 "(iv)" has been struck and "(iii)" inserted;

e. On page 5, line 27, "or" has been inserted after the comma and the matter beginning with "under" through "enacted" has been struck;

f. On page 6, lines 1 through 5, the new matter has been struck; in line 5 "or" has been struck and shown as stricken; and in line 6 "(iv)" has been struck and "(iii)" inserted;

g. On page 7, line 11, "or" has been inserted after the first comma; and the new matter beginning with the comma in line 14 through the period in line 18 has been struck;

h. On page 8, the new matter beginning with the comma in line 8 through "section" in line 12 has been struck;

i. On page 11, line 15, "or" has been inserted before "(iii)"; and the new matter beginning with "or" in line 18 through the comma in line 22 has been struck;

j. On page 12, line 20, "or" has been inserted before "(iii)"; and the new matter beginning with "or" in line 23 through the comma in line 27 has been struck;

k. On page 14, the new matter beginning with the second "under" in line 7 through the comma in line 11 has been struck; in line 12 "or" has been struck and shown as stricken and the new matter has been struck; and in line 13 "(iv)" has been struck and "(iii)" inserted;

l. On page 15, the matter beginning with the second "under" in line 20 through the comma in line 24 has been struck; in line 25 "or" has been struck and shown as stricken and the new matter has been struck; and in line 26 "(iv)" has been struck and "(iii)" inserted;

m. On page 17, line 5, "or" has been inserted after the first comma; and the matter beginning with the comma in line 8 through the period in line 12 has been struck; and

n. On page 18, the matter beginning with the first comma in line 2 through "state" in line 6 has been struck.

3. On page 1, line 4, "to change penalty provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1436

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

ER9133

1. On page 1, the matter beginning with "section" in line 1 through line 6 has been struck and "sections 71-7608 and 71-7614, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Health Care Trust Fund Act; to establish the Teen Tobacco Education and Prevention Project; to create a committee and a fund; to provide and change duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Adrian M. Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 1217. Senators Schimek and Hilgert offered the following amendment:

AM2972

(Amendments to E & R amendments, AM7234)

- 1 1. Insert the following new sections:
- 2 "Sec. 21. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND
- 3 HUMAN SERVICES FINANCE AND SUPPORT
- 4 Program No. 347 - Public Assistance
- 5
- 6

	<u>FY1999-00</u>	<u>FY2000-01</u>
7 <u>GENERAL FUND</u>	-0-	<u>1,939,488</u>
8 <u>PROGRAM TOTAL</u>	-0-	<u>1,939,488</u>
9 <u>SALARY LIMIT</u>	-0-	-0-
- 10 It is the intent of the Legislature to increase rates
- 11 under the Aid to Aged, Blind, and Disabled Program for individuals
- 12 living in licensed or certified alternate living facilities.
- 13 Sec. 23. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN
- 14 SERVICES FINANCE AND SUPPORT
- 15 Program No. 348 - Medical Assistance
- 16
- 17

	<u>FY1999-00</u>	<u>FY2000-01</u>
18 <u>GENERAL FUND</u>	-0-	<u>588,682</u>
19 <u>FEDERAL FUND est.</u>	-0-	<u>883,022</u>
20 <u>PROGRAM TOTAL</u>	-0-	<u>1,471,704</u>
21 <u>SALARY LIMIT</u>	-0-	-0-
- 22 It is the intent of the Legislature to increase rates

21 under the Aid to Aged, Blind, and Disabled Program for individuals
 22 living in licensed or certified alternate living facilities."
 23 2. Renumber the remaining sections accordingly.

Senator Schimek withdrew the Schimek-Hilgert amendment.

Senator Bromm offered the following amendment:
 AM2983

(Amendments to E & R amendments, AM7234)

1 1. Insert the following new section:
 2 "Sec. 17. AGENCY NO. 22 -- DEPARTMENT OF INSURANCE
 3 (1) The Legislature finds that:
 4 (a) The state and political subdivisions are challenged
 5 with limited resources for all services;
 6 (b) Costs to provide health insurance to employees have
 7 risen sharply, particularly during the last year; and
 8 (c) A need exists to explore all opportunities for
 9 government to seek efficiencies in providing quality, affordable
 10 health insurance to its employees.
 11 (2) The Task Force to Explore Health Insurance
 12 Opportunities is created. The Governor shall appoint twenty
 13 members to the task force by June 1, 2000. The task force shall
 14 examine the various means by which the state, the University of
 15 Nebraska, state colleges, community colleges, and other political
 16 subdivisions provide health insurance to their employees. The task
 17 force shall develop possible alternatives and opportunities to
 18 providing health insurance to employees and identify the advantages
 19 and disadvantages to each alternative provided. The task force
 20 shall complete its work and issue a final report to the Governor
 21 and each member of the Legislature outlining its findings and
 22 recommendations for the providing of health insurance to employees
 23 by December 15, 2000.
 1 (3) The Department of Insurance shall provide staff
 2 support to the task force.
 3 (4) Members of the task force shall be reimbursed for
 4 their actual and necessary expenses as provided in sections 81-1174
 5 to 81-1177."
 6 2. Renumber the remaining sections accordingly.

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

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

Pending.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 936:

FA336

Amend AM2736

On lines 22 and 23 of page 16, strike the phrase "without further authorization of the legislature"

Senator Brashear filed the following amendment to LB 628:

AM2923

(Amendments to E & R amendments, AM7223)

- 1 1. On page 3, lines 10 and 16, strike "three" and insert
- 2 "four".

Senator Crosby filed the following amendment to LB 352A:

AM2931

- 1 1. On page 2, line 1, strike "\$457,515" and insert
- 2 "\$465,773"; in line 3 strike "\$2,786,077" and insert "\$2,819,110";
- 3 in line 4 strike "\$463,281" and insert "\$469,878"; in line 6 strike
- 4 "\$2,822,708" and insert "\$2,849,094"; and strike line 12 and insert
- 5 "exceed \$1,507,341 for FY2000-01 or \$1,507,811 for FY2001-02".

Senators Chambers and Beutler filed the following amendment to LB 1363:

AM2981

- 1 1. Insert the following new section:
- 2 "Sec. 4. (1) The position of Meatpacking Industry Worker
- 3 Rights Coordinator is established within the Department of Labor.
- 4 The Coordinator shall be appointed by the Governor.
- 5 (2) The duties of the Meatpacking Industry Worker Rights
- 6 Coordinator shall be to inspect and review the practices and
- 7 procedures of meatpacking operations in the State of Nebraska as
- 8 they relate to the provisions of the Governor's Nebraska
- 9 Meatpacking Industry Workers Bill of Rights, which rights are
- 10 outlined as follows:
- 11 (a) The right to organize;
- 12 (b) The right to a safe workplace;
- 13 (c) The right to adequate facilities and the opportunity
- 14 to use them;
- 15 (d) The right to complete information;
- 16 (e) The right to understand the information provided;
- 17 (f) The right to existing state and federal benefits and
- 18 rights;
- 19 (g) The right to be free from discrimination;
- 20 (h) The right to continuing training including
- 21 supervisor's training;
- 22 (i) The right to compensation for work performed; and
- 23 (j) The right to seek state help.
- 24 (3) The coordinator and his or her designated
- 1 representatives shall have access to all meatpacking operations in

- 2 the State of Nebraska at any time meatpacking products are being
 3 processed and industry workers are on the job.
 4 (4) Necessary office space, furniture, equipment, and
 5 supplies as well as necessary assistance for the coordinator shall
 6 be provided by the department.
 7 (5) Preference shall be given to applicants for the
 8 coordinator position who are fluent in the Spanish language.
 9 (6) The coordinator shall annually, on or before December
 10 1, submit a report to the members of the Legislature and the
 11 Governor regarding any recommended actions the coordinator deems
 12 necessary or appropriate to provide for the fair treatment of
 13 workers in the meatpacking industry.
 14 (7) For purposes of this section:
 15 (a) Meatpacking operations means a business in which
 16 slaughtering, butchering, meat canning, meat packing, meat
 17 manufacturing, poultry canning, poultry packing, poultry
 18 manufacturing, pet feed manufacturing, processing of meatpacking
 19 products, or rendering is carried on; and
 20 (b) Meatpacking products include livestock products and
 21 poultry products as such terms are defined in section 54-1902.
 22 (8) This section terminates on June 30, 2004."

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by Quandahl, 31; Jensen, 20; Schimek, 27.

PURPOSE: To conduct an interim study of the need for clear statutory authority for additional construction delivery systems for public schools. The study may include a review of, but need not be limited to, "design-build" and "construction-management-at-risk" as methods of construction delivery which may be used as alternatives to the traditional "design-bid-build" system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

SELECT FILE

LEGISLATIVE BILL 1217. Senator Coordsen offered the following amendment:

AM2976

(Amendments to E & R amendments, AM7234)

1 1. Insert the following new sections:

2 "Sec. 45. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
3 SERVICES

4 Program No. 901 - State Capitol Improvements

	FY1999-00	FY2000-01
6 <u>NEBRASKA CAPITAL</u>	<u>878,000</u>	<u>-0-</u>

7 CONSTRUCTION FUND

8 <u>PROGRAM TOTAL</u>	<u>878,000</u>	<u>-0-</u>
------------------------	----------------	------------

9 Utilizing the amount appropriated from the Department of
10 Administrative Services Cash Fund in section 101 of this act and
11 the amount appropriated in this section, the Department of
12 Administrative Services is hereby authorized to undertake
13 renovations and other improvements of interior space located on the
14 tower floors of the State Capitol.

15 Sec. 101. Laws 1999, LB 880, section 191, is amended to
16 read:

17 Sec. 191. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
18 SERVICES

19 Program No. 105 - Local Government Innovation

	FY1999-00	FY2000-01
20 CASH FUND	203,113	-0-
21 PROGRAM TOTAL	203,113	-0-
22 SALARY LIMIT	51,385	-0-

1 The unobligated, unexpended Cash Fund balance existing on
2 June 30, 2000, shall be ~~lapsed~~ transferred to the Department of
3 Administrative Services Cash Fund and such amount is hereby
4 appropriated to the Department of Administrative Services for
5 Program 901 for FY2000-01, by the budget division of the
6 Department of Administrative Services. Utilizing such amount
7 appropriated from the Department of Administrative Services Cash
8 Fund and the amount appropriated from the Nebraska Capital
9 Construction Fund in section 45 of this act, the Department of
10 Administrative Services is hereby authorized to undertake
11 renovations and other improvements of interior space located on the
12 tower floors of the State Capitol."

13 2. On page 111, line 9, after "160," insert "191,".

14 3. Renumber the remaining sections accordingly.

SENATOR CUDABACK PRESIDING

The Coordsen amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:
AM2982

(Amendments to E & R amendments, AM7234)

1 1. On page 75, after line 20, insert the following:

2 "There is included in the appropriation to this program

3 for FY2000-01 \$3,600,000 for the recruitment, development, and
4 retention of minority and women faculty members in all areas of
5 academic pursuit.
6 It is further intended that the Legislature study the
7 issue of recruitment, development, and retention of minority and
8 women faculty members at the University of Nebraska. The study
9 shall include, but not be limited to, the progress made to date and
10 the specific steps to be taken by the University to reach the goals
11 as outlined in its five-year plan as submitted to the Legislature.
12 It is intended that the study be completed prior to January 1,
13 2001."

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

FA337

Amend AM2982

On line 3 strike \$3,600,000 and insert \$1,500,000.

Senators Lynch and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR COORDSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused. No objections. So ordered.

Senator Kristensen requested to pass over LB 1217.

LEGISLATIVE BILL 1349. E & R amendment, AM7235, printed separately and referred to on page 1104, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1369. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1328. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1379. Senator Beutler offered the following amendment:

AM2955

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:
3 "Section 1. Sections 1 to 6 of this act shall be known
4 and may be cited as the Minority Scholarship Program Act.
5 Sec. 2. (1) The Legislature finds that the State of
6 Nebraska has a compelling interest to provide access to the
7 University of Nebraska, state colleges, and the community colleges
8 for Black, American Indian, and Hispanic minority students and that
9 the financial requirements of postsecondary education often
10 represent major obstacles to such students because of the lack of

11 financial resources available to them.

12 (2) It is the intent of the Legislature:

13 (a) To appropriate funds to support a minority

14 scholarship program to serve as a temporary measure for the purpose

15 of eliminating the statistical disparity between the representation

16 of full-time Black, American Indian, and Hispanic minority students

17 in the undergraduate population of the University of Nebraska, the

18 state colleges, and the community colleges and the representation

19 of such minority students in the student population of the primary

20 and secondary schools of this state and for the purpose of

21 developing a more racially diverse student body at such public

22 institutions;

23 (b) That Black, American Indian, and Hispanic minority

24 students attending the University of Nebraska, a state college, or

1 a community college will be eligible to participate in the

2 scholarship program supported pursuant to the Minority Scholarship

3 Program Act; and

4 (c) That all funds appropriated by the Legislature for

5 minority scholarships at the University of Nebraska, the state

6 colleges, and the community colleges shall be used in coordination

7 with private donations for such scholarships and in consultation

8 with the major donors thereof and in coordination with federal

9 grant funds available to minority students at such institutions so

10 as to maximize the level of benefits and accomplish the purposes of

11 the act.

12 Sec. 3. (1) All funds appropriated by the Legislature

13 for the Minority Scholarship Program Act shall be used to support

14 endowed scholarship funds which shall be held, managed, and

15 invested as authorized by section 72-1246 with only the income

16 therefrom expended for scholarships.

17 (2) The purpose of such endowed scholarship funds is to

18 provide total or partial undergraduate scholarships for tuition,

19 fees, board and room, and books at all campuses of the University

20 of Nebraska, the state colleges, and the community colleges to

21 full-time undergraduate students from Black, American Indian, and

22 Hispanic minority groups which are under-represented in the student

23 population of such public institutions and who cannot afford such

24 educational expenses due to lack of financial resources available

25 to them.

26 Sec. 4. (1) Funds appropriated in years prior to fiscal

27 year 2000-01 for the minority scholarship program supported

1 pursuant to section 85-1,125 as such section existed prior to the

2 effective date of this act shall be used, administered, and

3 distributed only for the benefit of students at the University of

4 Nebraska in such manner as the Board of Regents of the University

5 of Nebraska shall determine.

6 (2) Funds appropriated for fiscal year 2000-01 and each

7 fiscal year thereafter shall be used for the benefit of students

8 pursuant to the Minority Scholarship Program Act at the University

9 of Nebraska, the state colleges, and the community colleges.
 10 Sec. 5. Funds appropriated for the Minority Scholarship
 11 Program Act for the benefit of students at:
 12 (1) The University of Nebraska and students attending any
 13 community college who are enrolled in general academic transfer
 14 courses, as defined in section 85-1503, with the intention of
 15 transferring to the University of Nebraska, shall be used,
 16 administered, and invested in such manner as the Board of Regents
 17 of the University of Nebraska, in consultation with the boards of
 18 governors of each participating community college, shall determine;
 19 and
 20 (2) The state colleges shall be used, administered, and
 21 invested in such manner as the Board of Trustees of the Nebraska
 22 State Colleges shall determine.
 23 Sec. 6. Awards of scholarships under the Minority
 24 Scholarship Program Act shall be determined by a committee selected
 25 by the Board of Regents of the University of Nebraska, the Board of
 26 Trustees of the Nebraska State Colleges, and the community college
 27 boards of governors. The committee shall include members of
 1 under-represented minority groups and private donors to the endowed
 2 scholarship funds. Awards shall be consistent with the intent
 3 stated in the act.
 4 Sec. 7. The following section is outright repealed:
 5 Section 85-1,125, Reissue Revised Statutes of Nebraska."

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

The Beutler 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 1379A. Senator Beutler offered the following amendment:

AM2977

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. There is hereby appropriated \$800,000 from
 4 the General Fund for FY2000-01 to the Board of Regents of the
 5 University of Nebraska, for Program 781, to aid in carrying out the
 6 provisions of Legislative Bill 1379, Ninety-sixth Legislature,
 7 Second Session, 2000.
 8 No expenditures for permanent and temporary salaries and
 9 per diems for state employees shall be made from funds appropriated
 10 in this section.
 11 Sec. 2. There is hereby appropriated \$200,000 from the
 12 General Fund for FY2000-01 to the Board of Trustees of the Nebraska
 13 State Colleges, for Program 48, to aid in carrying out the

14 provisions of Legislative Bill 1379, Ninety-sixth Legislature,
15 Second Session, 2000, as such provisions relate to students
16 attending Nebraska state colleges.

17 No expenditures for permanent and temporary salaries and
18 per diems for state employees shall be made from funds appropriated
19 in this section.

20 Sec. 3. Since an emergency exists, this act takes effect
21 when passed and approved according to law."

The Beutler amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1427. E & R amendment, AM7238, found on page 1122, was adopted.

Senator Beutler offered the following amendment:
AM2954

(Amendments to Standing Committee amendments, AM2662)

1 1. On page 10, line 17, after the period insert "No
2 project shall receive funding for more than three years through
3 such grants unless the council determines that unusual
4 circumstances dictate the need for an extension of funding.
5 Extensions shall be granted for no more than one year at a time and
6 shall be reported by the Department of Health and Human Services
7 Finance and Support to the Health and Human Services Committee of
8 the Legislature.".

9 2. On page 11, line 14, after the period insert "Such
10 projects shall not include permanent, ongoing programs unless
11 approved by the Legislature. The department or council may
12 recommend projects to the Legislature for establishment as
13 permanent, ongoing programs to be funded from the fund. Permanent,
14 ongoing programs approved by the Legislature shall be fully funded
15 on an annual basis prior to the use of the fund for any other
16 project funded from the fund pursuant to subsection (1) of this
17 section."; and in line 15 strike "such grants", show as stricken,
18 and insert "funding pursuant to subsection (1) of this section".

Senator Robak asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1427A. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 334. Introduced by Bromm, 23.

PURPOSE: To conduct an interim study of the Petroleum Release Remedial Action Act as it relates to (1) the availability and cost of private insurance to insure damages for which payment may be made from the Petroleum Release Remedial Action Cash Fund and (2) the need for extending the June 30, 2001, date for coverage of first reported releases under the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 968:
AM2975

(Amendments to Standing Committee amendments, AM2432)

1 1. Insert the following new section:

2 "Sec. 61. Section 84-304, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 84-304. It shall be the duty of the Auditor of Public

5 Accounts:

6 (1) To give information in writing to the Legislature,
7 whenever required, upon any subject relating to the fiscal affairs
8 of the state or with regard to any duty of his or her office;

9 (2) To furnish offices for himself or herself and all

10 fuel, lights, books, blanks, forms, paper, and stationery required
11 for the proper discharge of the duties of his or her office;

12 (3)(a) To examine or cause to be examined, at such time

13 as he or she shall determine, books, accounts, vouchers, records,

14 and expenditures of all state officers, state bureaus, state

15 boards, state commissioners, the state library, societies and

16 associations supported by the state, state institutions, state

17 colleges, and the University of Nebraska, except when required to
18 be performed by other officers or persons; ;

19 (b) ~~to~~ To examine or cause to be examined, at the expense

20 of the political subdivision, when the Auditor of Public Accounts

21 determines such examination necessary or when requested by the

22 political subdivision, the books, accounts, vouchers, records, and

23 expenditures of an agricultural association formed under Chapter 2,

1 article 20, county agricultural society, joint airport authority

2 formed under the Joint Airport Authorities Act, city or county
 3 airport authority, development district, regional council, drainage
 4 district, ~~fire protection district~~, health district, historical
 5 society, hospital authority or district, county hospital,
 6 irrigation district, county or municipal library, community mental
 7 health center, railroad transportation safety district, rural water
 8 district, township, or the Wyuka Cemetery; ~~;~~ and
 9 (c) ~~to~~ To report promptly to the Director of
 10 Administrative Services and the appropriate standing committee of
 11 the Legislature the fiscal condition shown by such examinations
 12 conducted by the auditor, including any irregularities or
 13 misconduct of officers or employees, any misappropriation or misuse
 14 of public funds or property, and any improper system or method of
 15 bookkeeping or condition of accounts; and
 16 (d) To examine or cause to be examined the books,
 17 accounts, vouchers, records, and expenditures of a fire protection
 18 district. The expense of the examination shall be paid by the
 19 political subdivision. An examination of any volunteer department
 20 as defined in section 35-901 shall not include an examination of
 21 the volunteer department trust fund.
 22 (i) Whenever the expenditures of a fire protection
 23 district are less than one hundred fifty thousand dollars per
 24 fiscal year, the fire protection district shall be audited no more
 25 than once every five years except as directed by the board of
 26 directors of the fire protection district or unless the Auditor of
 27 Public Accounts auditor receives a verifiable report from a third
 1 party indicating any irregularities or misconduct of officers or
 2 employees of the fire protection district, any misappropriation or
 3 misuse of public funds or property, or any improper system or
 4 method of bookkeeping or condition of accounts of the fire
 5 protection district. In the absence of such a report, the Auditor
 6 of Public Accounts auditor may waive the five-year audit
 7 requirement upon the submission of a written request by the fire
 8 protection district in a form prescribed by the Auditor of Public
 9 Accounts auditor. The Auditor of Public Accounts auditor shall
 10 notify the fire protection district in writing of the approval or
 11 denial of a request for waiver of the five-year audit requirement.
 12 Upon approval of the request for waiver of the five-year audit
 13 requirement, a new five-year audit period shall begin.
 14 (ii) Whenever the expenditures of a fire protection
 15 district exceed one hundred fifty thousand dollars in a fiscal
 16 year, the auditor may waive the audit requirement upon the
 17 submission of a written request by the fire protection district in
 18 a form prescribed by the auditor. The auditor shall notify the
 19 fire protection district in writing of the approval or denial of a
 20 request for waiver. Upon approval of the request for waiver, a new
 21 five-year audit period shall begin for the fire protection district
 22 if its expenditures are less than one hundred fifty thousand
 23 dollars per fiscal year in subsequent years; -

24 ~~(4) To The Auditor of Public Accounts shall appoint two~~
 25 ~~assistant deputies (i) (a) whose entire time shall be devoted to~~
 26 ~~the service of the state as directed by the auditor, (ii) (b) who~~
 27 ~~shall be certified public accountants with at least five years'~~
 1 ~~experience, (iii) (c) who shall be selected without regard to party~~
 2 ~~affiliation or to place of residence at the time of appointment,~~
 3 ~~(iv) (d) who shall promptly report in duplicate to the auditor the~~
 4 ~~fiscal condition shown by each examination, including any~~
 5 ~~irregularities or misconduct of officers or employees, any~~
 6 ~~misappropriation or misuse of public funds or property, and any~~
 7 ~~improper system or method of bookkeeping or condition of accounts,~~
 8 ~~and it shall be the duty of the auditor to file promptly with the~~
 9 ~~Governor a duplicate of such report, and (v) (e) who shall qualify~~
 10 ~~by taking an oath which shall be filed in the office of the~~
 11 ~~Secretary of State; and~~

12 ~~(4) Conduct (5) To conduct~~ audits and related activities
 13 for state agencies, political subdivisions of this state, or
 14 grantees of federal funds disbursed by a receiving agency on a
 15 contractual or other basis for reimbursement to assure proper
 16 accounting by all such agencies, political subdivisions, and
 17 grantees for funds appropriated by the Legislature and federal
 18 funds disbursed by any receiving agency. The Auditor of Public
 19 Accounts ~~auditor~~ may contract with any political subdivision to
 20 perform the audit of such political subdivision required by or
 21 provided for in section 23-1608 or 79-1229 or this section and
 22 charge the political subdivision for conducting the audit. The
 23 fees charged by the auditor for conducting audits on a contractual
 24 basis shall be in an amount sufficient to pay the cost of the
 25 audit. The fees remitted to the auditor for such audits and
 26 services shall be deposited in the Auditor of Public Accounts Cash
 27 Fund; and -

1 ~~(6) To conduct all~~ All the audits and examinations
 2 ~~conducted by the Auditor of Public Accounts shall be conducted in a~~
 3 ~~timely manner and in accordance with the standards for audits of~~
 4 ~~governmental organizations, programs, activities, and functions~~
 5 ~~published by the Comptroller General of the United States.".~~

6 2. On page 73, line 8, after "79-1082," insert
 7 "84-304,".

8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

Senator Hilgert filed the following amendment to LB 953:
 (Amendment, AM2957, 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 Connie and Kathryn Stewart from Valley; and
 Howard and Roberta Eckelbecker from Bellevue and Lisa Eckelbecker from

Westboro, Massachusetts.

The Doctor of the Day was Dr. Ron Craig from Lincoln.

ADJOURNMENT

At 5:37 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, March 22, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 22, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 22, 2000

PRAYER

The prayer was offered by Reverend Nancy Flader, First United Methodist Church, Blair, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Brashear, Bromm, Dickey, Hartnett, Kiel, Kristensen, Landis, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

GENERAL FILE

LEGISLATIVE BILL 352A. Title read. Considered.

Senator Crosby renewed her pending amendment, AM2931, found on page 1188.

The Crosby amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 968A. 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.

SELECT FILE

LEGISLATIVE BILL 1217. The Kristensen pending amendment, FA337, found on page 1191, to the Chambers pending amendment, AM2982, found on page 1190, was renewed.

Senator Kristensen withdrew his amendment.

Senator Chambers withdrew his amendment, AM2982, found on page 1190.

Senator Wehrbein offered the following amendment:

FA338

Amend AM7234

On page 75, lines 6 and 8, strike both occurrences of "387,716,725" and insert "388,216,725",

On page 75, after line 20, insert the following:

"There is included in the appropriation to this program \$500,000 for FY2000-01 for the recruitment, development and retention of minority and women faculty members in all areas of academic pursuit.

It is further intended that the Legislature study the issue of recruitment, development and retention of minority and women faculty members at the University of Nebraska. The report should include but not be limited to the progress made to date and the feasibility of the University reaching its goals as outlined in its five-year plan as submitted to the Legislature. It is intended that the study be completed prior to January 1, 2001."

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wehrbein amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 973. Senator Chambers withdrew his motion, found on page 1103, to reconsider the vote on AM2647.

Senators Wickersham and Janssen renewed their pending amendment, AM2680, found on page 942.

The Wickersham-Janssen amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Jensen renewed his pending amendment, AM2770, found on page 1019.

The Jensen amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Hilgert moved to reconsider the vote on the Jensen amendment, AM2770.

Senator Hilgert withdrew his motion to reconsider.

Senator Chambers withdrew his amendment, FA310, found on page 933.

Senator Chambers renewed his pending amendment, AM2962, found on page 1180.

The Chambers amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1119. Title read. Considered.

The Standing Committee amendment, AM2113, found on page 461, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

PRESIDENT MAURSTAD PRESIDING

Senator Landis renewed his pending amendment, AM2467, found on page 867.

The Landis amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Senator Beutler offered the following amendment:
AM2995

- 1 1. On page 11, after line 15 insert the following new
- 2 subsection:
- 3 "(6) The director shall keep on file in one location all
- 4 complaints from the public and insurance industry sources alleging
- 5 that a competitive market does not exist. The director shall
- 6 investigate each complaint to the extent necessary to determine the
- 7 truth of the allegations. The director shall keep a summary of his
- 8 or her findings and conclusions with the complaint."

The Beutler amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 335. Introduced by Cudaback, 36.

PURPOSE: To examine the current status of the elevator inspection program in Nebraska. Components of the study should focus on:

(1) The feasibility and value of creating an advisory board or panel to assist the state elevator inspector on matters concerning elevator installations and inspections, including the formulation of rules and regulations;

(2) The appeals process regarding the denial of a certificate of inspection; and

(3) Whether the Nebraska statutes should be revised to more clearly articulate the requirements citizens must meet in order to obtain a certificate of inspection, specifically focusing on when a pre-inspection permit is required and how such permit is obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1399A. 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 1399, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

March 22, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 900e, 900Ae, and 994 were received in my office on March 16, 2000.

These bills were signed by me on March 22, 2000, and delivered to the Secretary of State.

Sincerely,
 (Signed) Mike Johanns
 Governor

SELECT FILE

LEGISLATIVE BILL 953. Senator Matzke withdrew his motion, found on page 1014, to indefinitely postpone.

Senator Hilgert renewed his pending amendment, AM2957, printed separately and referred to on page 1197.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Voting in the affirmative, 29:

Aguilar	Beutler	Bourne	Bromm	Byars
Connealy	Crosby	Cudaback	Dierks	Engel
Hilgert	Hudkins	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Pedersen, Dw.	Pederson, D.
Preister	Schmitt	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 18:

Baker	Bohlke	Brashear	Brown	Bruning
Chambers	Coordsen	Dickey	Hartnett	Jensen
Matzke	Quandahl	Raikes	Redfield	Robak
Schimek	Suttle	Thompson		

Excused and not voting, 2:

Janssen	Price
---------	-------

The Hilgert amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers moved to reconsider the vote on the Hilgert amendment, AM2957.

Senators Kristensen, Lynch, Bromm, and Robak asked unanimous consent

to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his motion to reconsider.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336. Introduced by Stuhr, 24.

PURPOSE: The purpose of this resolution is to review and update the General Principles of Sound Retirement Planning. The General Principles of Sound Retirement Planning are utilized by the Nebraska Retirement Systems Committee as a guide for evaluating proposed legislation and issues regarding the five public retirement systems administered by the State of Nebraska. The General Principles are also used by members of the Legislature as a guide not only for the five retirement systems, but also for retirement systems created by statute but administered by other public entities.

The study shall review the analysis and recommendations from the General Principles that were completed under LR 164 (1995) and the revisions adopted in April 1996. The study shall revise the existing General Principles, as necessary, to include the legislation that has passed since the last revision was adopted in 1996, draft additional principles, as appropriate, draft and propose future strategies for each of the five retirement systems as to the direction the Legislature should take in future legislation, take into consideration the benefit adequacy of each of the five retirement systems, and prioritize all principles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 337. Introduced by Stuhr, 24.

PURPOSE: The purpose of this resolution is to review the process and criteria by which members are nominated and selected for the Public Employees Retirement Board and to ensure that there is proportional representation on the Public Employees Retirement Board for each of the five retirement plans that are administered by the Nebraska Public Employees Retirement Systems. The study shall review the statutes and guidelines that govern the Public Employees Retirement Board as well as those from other states. The study shall further review the board's fiduciary

duty to its plan members and whether or not the board has the tools necessary to meet the duties and obligations specifically set forth by Nebraska law. It is further necessary to study whether or not the duties and requirements of the board are consistent with those of other public retirement systems within the United States. If necessary, the study shall revise the statutes and guidelines pertaining to nominations and membership on the Public Employees Retirement Board to ensure proportionate representation of all five retirement systems, in addition to revising the duties and obligations of the retirement board, if necessary, to make Nebraska's system consistent with other public retirement systems in the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

AMENDMENTS - Print in Journal

Senators Wickersham, Bohlke, Coordsen, Dierks, Hartnett, Landis, Raikes, and Redfield filed the following amendment to LB 968:

(Amendment, AM2984, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Thompson filed the following amendment to LB 1399:
AM2950

(Amendments to E & R amendments, AM7237)

- 1 1. On page 5, strike beginning with "If" in line 17
- 2 through "bonus" in line 18 and insert "If the number of teachers
- 3 qualifying for the bonus exceeds the number which the one million
- 4 dollars would fully fund at the five-thousand-dollar level".
- 5 2. On page 8, line 12, strike "a" and insert "an
- 6 eligible".

Senator Thompson filed the following amendment to LB 968:
AM2783

(Amendments to Standing Committee amendments, AM2432)

- 1 1. Insert the following new section:
- 2 "Sec. 54. Section 77-1823, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-1823. The treasurer shall charge a ~~ten-dollar~~ an
- 5 issuance fee of twenty-five dollars for each deed or certificate
- 6 made by him or her for a sale of real property for taxes together
- 7 with the fee of the notary public or other officer acknowledging

8 the deed, but any number of items of real property bought by any
 9 one person may be included in one deed as desired by the purchaser.
 10 The issuance fee shall not be required if the tax sale certificate
 11 is issued in the name of the county, but the issuance fee is due
 12 from the purchaser when the county assigns the certificate to
 13 another person. Whenever the treasurer makes a deed to any real
 14 property sold for taxes, he or she shall enter an account thereof
 15 in the sale book opposite the description of the real property
 16 conveyed."

17 2. Correct the operative date section and repealer so
 18 that the section added by this amendment becomes operative with the
 19 emergency clause.

20 3. Renumber the remaining sections and correct internal
 21 references accordingly.

VISITORS

Visitors to the Chamber were 19 eighth grade students and teacher from Lakeview Community School, Columbus; 4 students and sponsors from Cedar Canyon School, Gering; 55 fifth grade students and teachers from Northside/Clairmont School, Fremont; 16 fourth grade students and teacher from Central Christian School, Omaha; 15 seniors and teacher from Arnold; and 60 seniors and teacher from Northeast High School, Lincoln.

RECESS

At 12:06 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Bohlke, Brashear, Bromm, Coordsen, Dierks, Janssen, Jensen, Landis, Matzke, Price, Raikes, Stuhr, Suttle, Tyson, and Wickersham who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 953. Senator Vrtiska offered the following amendment:

AM3007

- 1 1. In the Hilgert amendment, AM2957:
- 2 a. On page 1, line 24, after the semicolon insert "and";
- 3 and
- 4 b. On page 2, strike beginning with "Four" in line 1

5 through "(c)" in line 3.

Senator Vrtiska withdrew his amendment.

Senator Hilgert offered the following amendment:

FA339

Amend AM2957

Strike sections 1-13.

The Hilgert amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1092. E & R amendment, AM7225, found on page 1037, was adopted.

Senator Wehrbein renewed his pending amendment, AM2802, found on page 1082.

The Wehrbein 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 1092A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 628. E & R amendment, AM7223, found on page 1039, was adopted.

Senator Beutler withdrew his amendments, FA311 and AM2727, found on pages 943 and 966.

Senator Beutler asked unanimous consent to replace his pending amendment, AM2704, found on page 969, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his amendment, AM2704, found on page 969.

Senator Beutler offered the following substitute amendment:

AM3001

(Amendments to E & R amendments, AM7223)

1. On page 3, line 7, after "a" insert "written"; and in
- 2 line 21 after "prioritize" insert "the items within".

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and

not voting, and 5 excused and not voting.

Senator Beutler withdrew his amendments, AM2705 and AM2703, found on page 969.

Senator Beutler renewed his pending amendment, AM2732, found on page 1002.

Senator Beutler withdrew his amendment.

Senator Beutler withdrew his amendment, AM2734, found on page 1004.

Senator Beutler renewed his pending amendment, AM2735, found on page 1004.

Senator Beutler withdrew his amendment.

Senator Beutler withdrew his amendment, AM2733, found on page 1004.

Senator Coordsen renewed his pending amendment, AM2918, found on page 1140.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

The Coordsen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Brashear renewed his pending amendment, AM2923, found on page 1188.

The Brashear amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

PRESIDENT MAURSTAD PRESIDING

Senator Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 171. E & R amendment, AM7228, found on page 1043, was adopted.

Senator Beutler withdrew his amendment, FA313, found on page 973.

Senator Wickersham renewed his pending amendment, AM2922, found on page 1139.

Senators Matzke and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment lost with 6 ayes, 17 nays, 22 present and not voting, and 4 excused and not voting.

Senator Janssen offered the following amendment:
AM2992

- 1 I. Insert the following new sections:
- 2 "Sec. 3. Section 77-2702.07, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2702.07. (1) Gross receipts shall mean the total
- 5 amount of the sale or lease or rental price, as the case may be, of
- 6 the retail sales of retailers valued in money whether received in
- 7 money or otherwise, without any deduction on account of any of the
- 8 following:
- 9 (a) The cost of property sold. In accordance with rules
- 10 and regulations adopted and promulgated by the Tax Commissioner, a
- 11 deduction may be taken if the retailer has purchased property for
- 12 some purpose other than resale, has reimbursed his or her vendor
- 13 for tax which the vendor is required to pay to the state or has
- 14 paid the use tax with respect to the property, and has resold the
- 15 property prior to making any use of the property other than
- 16 retention, demonstration, or display while holding it for sale in
- 17 the regular course of business. If such a deduction is taken by
- 18 the retailer, no refund or credit will be allowed to his or her
- 19 vendor with respect to the sale of the property;
- 20 (b) The cost of the materials used, labor or service
- 21 costs, interest paid, losses, or any other expense;
- 22 (c) The cost of transportation of the property except as
- 23 provided in subdivision (4)(i) of this section;
- 24 (d) The amount of any excise or property tax levied
- 1 against the property except as otherwise provided in the Nebraska
- 2 Revenue Act of 1967; or
- 3 (e) The amount charged for warranties, guarantees, or
- 4 maintenance agreements.
- 5 (2) Gross receipts of every person engaged as a public
- 6 utility specified in this subsection or as a community antenna
- 7 television service operator or any person involved in connecting
- 8 and installing services defined in subdivision (2)(a), (b), or (d)
- 9 of this section shall mean:
- 10 (a) In the furnishing of telephone communication service,
- 11 the gross income received from furnishing local exchange telephone
- 12 service and intrastate message toll telephone service. Gross

13 receipts shall not mean the gross income, including division of
14 revenue, settlements, or carrier access charges received on or
15 after January 1, 1984, from the sale of a telephone communication
16 service to a communication service provider for purposes of
17 furnishing telephone communication service;

18 (b) In the furnishing of telegraph service, the gross
19 income received from the furnishing of intrastate telegraph
20 services;

21 (c) In the furnishing of gas, electricity, sewer, and
22 water service except water used for irrigation of agricultural
23 lands and manufacturing purposes, the gross income received from
24 the furnishing of such services upon billings or statements
25 rendered to consumers for such utility services; and

26 (d) In the furnishing of community antenna television
27 service, the gross income received from the furnishing of such
1 community antenna television service as regulated under sections
2 18-2201 to 18-2205 or 23-383 to 23-388.

3 Gross receipts shall also mean gross income received from
4 the provision, installation, construction, servicing, or removal of
5 property used in conjunction with the furnishing, installing, or
6 connecting of any public utility services specified in subdivision
7 (2)(a) or (b) of this section or community antenna television
8 service specified in subdivision (2)(d) of this section. Gross
9 receipts shall not mean gross income received from telephone
10 directory advertising.

11 (3) Gross receipts of every person engaged in selling,
12 leasing, or otherwise providing intellectual or entertainment
13 property shall mean:

14 (a) In the furnishing of computer software, the gross
15 income received, including the charges for coding, punching, or
16 otherwise producing computer software and the charges for the
17 tapes, disks, punched cards, or other properties furnished by the
18 seller. Gross receipts shall not mean the amount charged for
19 training customers in the use of computer software if such amount
20 is separately stated and such separate statement is not used as a
21 means of avoiding imposition of the tax upon the actual sales price
22 of the computer software; and

23 (b) In the furnishing of videotapes, movie film,
24 satellite programming, satellite programming service, and satellite
25 television signal descrambling or decoding devices, the gross
26 income received from the license, franchise, or other method
27 establishing the charge except the gross income received from
1 videotape and film rentals, satellite programming, and satellite
2 programming service when the sales tax or the admission tax is
3 charged under the Nebraska Revenue Act of 1967 and except as
4 provided in section 77-2704.39.

5 (4) Gross receipts shall not include any of the
6 following:

7 (a) Cash discounts allowed and taken on sales;

- 8 (b)(i) Before January 1, 1997, the amount of any rebate
 9 granted by a motor vehicle manufacturer or dealer at the time of
 10 sale of the motor vehicle, which rebate functions as a discount
 11 from the sales price of the motor vehicle; and
 12 (ii) On and after January 1, 1997, the amount of any
 13 rebate granted by a motor vehicle or motorboat manufacturer or
 14 dealer at the time of sale of the motor vehicle or motorboat, which
 15 rebate functions as a discount from the sales price of the motor
 16 vehicle or motorboat;
- 17 (c) Sales price of property returned by customers when
 18 the full sales price is refunded either in cash or credit;
- 19 (d) The amount charged for finance charges, carrying
 20 charges, service charges, or interest from credit extended on sales
 21 of property under contracts providing for deferred payments of the
 22 purchase price if such charges are not used as a means of avoiding
 23 imposition of the tax upon the actual sales price of the property;
- 24 (e) The value of property taken by a seller in trade as
 25 all or a part of the consideration for a sale of property of any
 26 kind or nature;
- 27 (f)(i) Before January 1, 1997, the value of a motor
 1 vehicle taken by any person in trade as all or a part of the
 2 consideration for a sale of another motor vehicle; and
 3 (ii) On and after January 1, 1997, the value of a motor
 4 vehicle or motorboat taken by any person in trade as all or a part
 5 of the consideration for a sale of another motor vehicle or
 6 motorboat;
- 7 (g) Receipts from conditional sale contracts, installment
 8 sale contracts, rentals, and leases executed in writing prior to
 9 June 1, 1967, and with delivery of the property prior to June 1,
 10 1967, if such conditional sale contracts, installment sale
 11 contracts, rentals, or leases are for a fixed price and are not
 12 subject to negotiation or alteration; or
- 13 (h) Except as provided in subsection (2) of this section,
 14 the amount charged for labor or services rendered in installing or
 15 applying the property sold if such amount is separately stated and
 16 such separate statement is not used as a means of avoiding
 17 imposition of the tax upon the actual sales price of the property;
 18 or
- 19 (i) The postage charged for transporting circulars and
 20 advertising materials sold by any method offered by the United
 21 States Postal Service.
- 22 Sec. 4. Section 77-2702.17, Reissue Revised Statutes of
 23 Nebraska, is amended to read:
 24 77-2702.17. (1) Sales price shall mean the total amount
 25 for which property is sold valued in money whether paid in money or
 26 otherwise, without any deduction on account of:
- 27 (a) The cost of the property sold;
 1 (b) The cost of material used, labor or service cost,
 2 interest paid, losses, or any other expenses;

3 (c) The cost of transportation of the property except as
 4 provided in subdivision (2)(i) of this section. The total amount
 5 for which property is sold shall include any services which are a
 6 part of the sale and any amount for which credit is given to the
 7 purchaser by the seller;

8 (d) The cost of computer software contained on the
 9 property; or

10 (e) The cost of any license, franchise, or lease for the
 11 use of computer software or entertainment properties such as
 12 videotapes or movie films.

13 (2) Sales price shall not mean any of the following:

14 (a) Cash discounts allowed and taken on sales;

15 (b) The amount of any rebate granted by a motor vehicle
 16 or motorboat manufacturer or dealer at the time of sale of the
 17 motor vehicle or motorboat, which rebate functions as a discount
 18 from the sales price of the motor vehicle or motorboat;

19 (c) The amount refunded for property returned by
 20 customers when all or part of the amount charged therefor is
 21 refunded either in cash or credit;

22 (d) The amount charged for finance charges, carrying
 23 charges, service charges, or interest from credit extended on sales
 24 of property under contracts providing for deferred payments of the
 25 purchase price if such charges are not used as a means of avoiding
 26 imposition of the tax upon the actual sales price of the property;

27 (e) The value of property taken by a seller in trade as
 1 all or a part of the consideration for a sale of property of any
 2 kind or nature;

3 (f) The value of a motor vehicle or motorboat taken by
 4 any person in trade as all or part of the consideration for a sale
 5 of another motor vehicle or motorboat;

6 (g) The amount charged for labor or services rendered in
 7 annexing property to real estate; or

8 (h) The amount charged for labor or services rendered in
 9 installing or applying the property sold if such amount is
 10 separately stated and such separate statement is not used as a
 11 means of avoiding imposition of the tax upon the actual sales price
 12 of the property; or

13 (i) The postage charged for transporting circulars and
 14 advertising materials sold by any method offered by the United
 15 States Postal Service.

16 Sec. 5. Sections 3, 4, and 6 of this act become
 17 operative on October 1, 2000. The other sections become operative
 18 on their effective date.

19 Sec. 6. Original sections 77-2702.07 and 77-2702.17,
 20 Reissue Revised Statutes of Nebraska, are repealed."

21 2. Renumber the remaining sections accordingly.

Senator Brashear asked unanimous consent to be excused until he returns.
 No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Janssen withdrew his amendment.

Senator Beutler renewed his pending amendment, AM2906, found on page 1136.

Pending.

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

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

The following bills were correctly engrossed: LBs 1214, 1214A, 1215, 1216, 1217, 1328, 1349, 1369, 1379, 1379A, 1427, 1427A, and 1448.

Enrollment and Review Change to LB 1216

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

ER9136

1. On page 1, line 1, "13-2305," has been inserted after "sections"; and in line 7 "of funds" has been inserted after "transfers".

2. On page 18, an underscored comma has been inserted before "as" in lines 11 and 22 and after "68-630" in lines 12 and 23.

3. On page 31, line 3, "procurement" has been struck and "purchasing" inserted.

Enrollment and Review Change to LB 1217

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

ER9137

1. In the Wehrbein amendment, FA338, on page 1, an underscored comma has been inserted after both occurrences of "development"; and "include but not be limited to" has been struck and "include, but not be limited to," inserted.

2. In the Coordsen amendment, AM2976:

a. Sections 45 and 101 have been renumbered as sections 47 and 103, respectively;

b. On page 1, line 10, "101" has been struck and "103" inserted; and

- c. On page 2, line 9, "45" has been struck and "47" inserted.
3. In the Tyson amendment, AM2935, section 27 has been renumbered as section 28.
4. In the E & R amendments, AM7234, on page 111, line 18, "191," has been inserted after "160,".
5. On page 1, line 12, "to provide for a task force;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 1379

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

ER9138

1. On page 1, the matter beginning with "amend" in line 1 through line 4 has been struck and "adopt the Minority Scholarship Program Act; to eliminate provisions relating to a scholarship program; and to outright repeal section 85-1,125, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS Transportation and Telecommunications

The Transportation and Telecommunications 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 Motor Vehicle Industry Licensing Board

Jerry Haggadone
William Cannon
Kevin Langel

VOTE: Aye: Senators Bromm, Jones, Thompson, Hudkins, Baker, Byars, and Dw. Pedersen. Nay: None. Absent: Senator Robak.

(Signed) Curt Bromm, Chairperson

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

Dick Davis
Dr. Helen Morten
Debra Fischer

VOTE: Aye: Senators Raikes, Stuhr, Brashear, Coordsen, Wickersham,

Suttle, Price, and Bohlke. Nay: None. Absent: None.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 1253:
AM3005

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 43. (1)(a) Any individual or group sickness and
- 3 accident insurance policy or subscriber contract delivered, issued
- 4 for delivery, or renewed in this state and any hospital, medical,
- 5 or surgical expense-incurred policy, except for policies that
- 6 provide coverage for a specified disease or other limited-benefit
- 7 coverage, and (b) any self-funded employee benefit plan to the
- 8 extent not preempted by federal law shall cover newly adopted
- 9 children of the insured or enrollee. The coverage for newly
- 10 adopted children shall be the same as for other dependents. No
- 11 policy or health benefit plan provision concerning preexisting
- 12 condition limitations, insurability, eligibility, or health
- 13 underwriting approval may be applied to newly adopted children when
- 14 they are enrolled in accordance with this section.
- 15 (2) The coverage required by this section:
- 16 (a) Is effective upon the earlier of (i) the date of
- 17 placement for the purpose of adoption or (ii) the date of the entry
- 18 of an order granting the adoptive parent custody of the child for
- 19 purposes of adoption;
- 20 (b) Continues unless the placement is disrupted prior to
- 21 legal adoption and the child is removed from placement; and
- 22 (c) Continues unless required action as described in
- 23 subsection (3) of this section is not taken.
- 1 (3) If the payment of a specific premium or subscription
- 2 fee is required to provide coverage for an adopted child, the
- 3 policy or health benefit plan may require that notification of the
- 4 adoption of the child and the payment of the required premium or
- 5 fee be furnished to the insurer or health benefit plan within
- 6 thirty-one days after the adoption of the child in order to have
- 7 the coverage continue beyond the thirty-one-day period."
- 8 2. On page 1, line 12, after the semicolon insert "to
- 9 require coverage for adopted children;"
- 10 3. On page 30, line 19, strike "43, 44, and 46" and
- 11 insert "44, 45, and 47".
- 12 4. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 968:
AM2990

(Amendments to Standing Committee amendments, AM2432)

- 1 1. Insert the following section:

- 2 "Sec. 70. No bond for costs, appeal, supersedeas,
 3 injunction, or attachment shall be required of any city of the
 4 first class, city of the second class, or village or of any
 5 officer, member of any board or commission, head of any department,
 6 agent, or employee of such city or village in any proceeding or
 7 court action in which such city, village, or officer, board or
 8 commission member, department head, agent, or employee is a party
 9 litigant in its, his, or her official capacity.".
- 10 2. Amend the operative date provisions so that the
 11 section added by this amendment becomes operative on its effective
 12 date without the emergency clause.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 352A. Placed on Select File.

LEGISLATIVE BILL 968A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 607. Placed on General File as amended.

Standing Committee amendment to LB 607:

AM2928

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. This act shall be known and may be cited as
 4 the Neighborhood Development Act.
 5 Sec. 2. The Legislature finds that there is a need to:
 6 (1) Stimulate local community development efforts
 7 statewide;
 8 (2) Build an environment to engage in more effective
 9 community development; and
 10 (3) Assist community improvement groups which have
 11 positive impacts upon the vitality, cohesiveness, and continued
 12 viability of both urban and rural communities throughout the state.
 13 Sec. 3. The purposes of the Neighborhood Development Act
 14 are to:
 15 (1) Strengthen neighborhoods and small communities by
 16 enhancing their ability to develop community development plans;
 17 (2) Coordinate the use of existing programs and funds
 18 more efficiently and effectively in support of new programs and
 19 initiatives; and
 20 (3) Revitalize declining neighborhoods and small
 21 communities, maintain the integrity of stable, viable neighborhoods
 22 and small communities, and strengthen existing neighborhoods and
 23 small communities.

24 Sec. 4. For the purposes of the Neighborhood Development
1 Act:

2 (1) College means the College of Architecture of the
3 University of Nebraska-Lincoln;

4 (2) Community improvement group means a neighborhood
5 association or small community;

6 (3) Fund means the Neighborhood Development Grant Fund;

7 (4) Neighborhood association means an organization that
8 is recognized or endorsed by an incorporated city or village or
9 county as representing all of the residents within a specific,
10 defined geographical area, with the organization representing those
11 residents on a wide range of issues through an open meeting process
12 with elected officers and regularly scheduled meetings; and
13 (5) Small community means an unincorporated village or an
14 incorporated city of the second class or village as defined in
15 sections 17-101 and 17-201.

16 Sec. 5. (1) The Neighborhood Development Grant Fund is
17 created. The fund shall be used by the college to carry out its
18 duties and responsibilities under the Neighborhood Development Act.

19 (2) The State Treasurer shall credit to the fund any
20 money (a) appropriated to the fund by the Legislature, (b) donated
21 as gifts, bequests, grants, or otherwise contributed to the fund
22 from public or private sources, and (c) received pursuant to this
23 section. Any money in the fund available for investment shall be
24 invested by the state investment officer pursuant to the Nebraska
25 Capital Expansion Act and the Nebraska State Funds Investment Act.

26 (3) The amount in the fund used in any budget year by the
27 college to pay the expenses of the college in the performance of
1 its duties under the act shall not exceed the amount appropriated
2 by the Legislature to the fund in that budget year for that
3 purpose.

4 Sec. 6. (1) The college shall award development grants
5 to qualified community improvement groups through an application
6 process. The college shall develop and provide requesting
7 community improvement groups with an application form. The form
8 shall be simple and concise, using nontechnical language, and the
9 questions on the form shall be factual in nature.

10 (2) To be eligible for a grant, the applying community
11 improvement group shall:

12 (a) Demonstrate that the grant funds will be used for a
13 neighborhood or community project;

14 (b) Demonstrate with regard to the project:

15 (i) That it will provide a public benefit;

16 (ii) That it will provide a particular benefit to the
17 applicant's neighborhood or small community;

18 (iii) That it will be completed within one year after the
19 receipt of the grant;

20 (iv) That neighborhood or small community residents were
21 involved in the identification and planning for the project and

- 22 will be involved in the project's execution; and
- 23 (v) That the project does not duplicate an existing
- 24 public program;
- 25 (c) Document verifiable goals for the project for which
- 26 grant funds are requested; and
- 27 (d) Document that the applicant will bring to the project
- 1 a match equivalent in money or in-kind services equal to the
- 2 following scale:
- 3 (i) For a grant of five thousand dollars or less, a match
- 4 equivalent to twenty-five percent of the amount of the grant
- 5 sought;
- 6 (ii) For a grant of seven thousand five hundred dollars
- 7 or less but more than five thousand dollars, a match equivalent to
- 8 not less than twenty-six percent and no more than forty-nine
- 9 percent of the amount of the grant sought; and
- 10 (iii) For a grant of ten thousand dollars or less but
- 11 more than seven thousand five hundred dollars, a match equivalent
- 12 to fifty percent or more of the amount of the grant sought.
- 13 (3) A recipient of a grant shall not use the grant funds
- 14 for administrative support of the recipient, for the planning of a
- 15 project, or for the administrative costs relating to the planning
- 16 of a project. Not more than five percent of the grant funds
- 17 received shall be expended by the recipient of the grant for
- 18 expenses incurred in administering the grant. A recipient of a
- 19 grant may not receive more than one grant for the same project, and
- 20 a project may not receive more than one grant in any one year. No
- 21 grant to a single community improvement group shall exceed ten
- 22 thousand dollars.
- 23 Sec. 7. In assessing the applications received from
- 24 community improvement groups, the college shall weigh the relative
- 25 merits of the applications, giving consideration to the following
- 26 factors:
- 27 (1) The amount of the match;
- 1 (2) The level of involvement by persons living in the
- 2 community;
- 3 (3) The community needs reflected in the application;
- 4 (4) The likelihood of the successful completion of the
- 5 project;
- 6 (5) The innovative character of the proposed solution;
- 7 and
- 8 (6) The efficiency of the proposed allocation of state,
- 9 local, public, and private resources in solving the local community
- 10 need.
- 11 Sec. 8. Upon completion of a project for which a grant
- 12 has been received or within one year from the date of the receipt
- 13 of a grant, whichever comes first, the recipient community
- 14 improvement group shall provide the college with an evaluation
- 15 reporting the results of the project.
- 16 Sec. 9. The college shall submit an annual report to the

17 Governor and the Legislature on or before January 1 of each year
 18 listing the recipients and amounts of grants made pursuant to the
 19 Neighborhood Development Act in the previous year, the impact of
 20 the grants, and an evaluation of each project's performance based
 21 on the documented reports of the recipient community improvement
 22 groups."

(Signed) D. Paul Hartnett, Chairperson

SELECT FILE

LEGISLATIVE BILL 171. Senator Kristensen offered the following amendment to the Beutler pending amendment:

FA340

Amend AM2906

Add "2. on p. 1 line 10 strike 2003 and insert 2006."

Senator Kristensen moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Aguilar	Beutler	Bohlke	Brashear	Brown
Bruning	Byars	Coordsen	Crosby	Cudaback
Dickey	Dierks	Hilgert	Hudkins	Janssen
Jones	Kristensen	Lynch	Pederson, D.	Quandahl
Schimek	Schmitt	Schrock	Smith	Stuhr

Voting in the negative, 18:

Baker	Bourne	Bromm	Chambers	Connealy
Kremer	Landis	Matzke	Price	Raikes
Redfield	Robak	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 3:

Engel	Hartnett	Preister
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Excused and not voting, 3:

Jensen	Kiel	Pedersen, Dw.
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The Kristensen amendment was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Beutler pending amendment, AM2906, found on page 1136 and considered on page 1213, as amended, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a record vote on the Beutler amendment, as amended.

Voting in the affirmative, 26:

Aguilar	Beutler	Bohlke	Brashear	Brown
Bruning	Byars	Coordsen	Crosby	Cudaback
Hartnett	Hilgert	Hudkins	Janssen	Jones
Kristensen	Lynch	Pederson, D.	Quandahl	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Tyson				

Voting in the negative, 16:

Baker	Bourne	Bromm	Chambers	Connealy
Dickey	Dierks	Kremer	Landis	Matzke
Price	Raikes	Suttle	Thompson	Wehrbein
Wickersham				

Present and not voting, 4:

Engel	Preister	Redfield	Vrtiska
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Excused and not voting, 3:

Jensen	Kiel	Pedersen, Dw.
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The Beutler amendment, as amended, was adopted with 26 ayes, 16 nays, 4 present and not voting, and 3 excused and not voting.

Senator Beutler withdrew his amendment, AM2912, found on page 1136.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Senator Kristensen moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Beutler	Bohlke	Brashear	Brown
Byars	Coordsen	Crosby	Cudaback	Dierks
Engel	Hartnett	Hilgert	Hudkins	Jones
Kristensen	Lynch	Pederson, D.	Quandahl	Redfield
Schimek	Schrock	Smith	Stuhr	Tyson

Voting in the negative, 19:

Baker	Bourne	Bromm	Bruning	Chambers
Connealy	Dickey	Janssen	Kremer	Landis
Matzke	Price	Raikes	Schmitt	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Present and not voting, 2:

Preister Robak

Excused and not voting, 3:

Jensen Kiel Pedersen, Dw.

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 338. Introduced by Schimek, 27; Janssen, 15; Lynch, 13; Connealy, 16; Hilgert, 7; Bourne, 8; Bohlke, 33; Crosby, 29; Schmitt, 41; Cudaback, 36; Robak, 22.

PURPOSE: Tribal governments are searching for ways to improve conditions for their people and for their reservations. Unemployment on the reservations is extremely high, as high as seventy-three percent on one reservation alone. Tribes have little infrastructure to lure businesses to locate within reservation boundaries. Additionally, very little land on the reservation is taxable so there is a very small property tax base with which to improve conditions upon the reservations.

Issues have arisen in Nebraska which have created a struggle for basic rights of sovereignty and self-determination for Indian tribes in Nebraska. It is incumbent on the Legislature to work to resolve these issues and to develop an understanding of cooperation and co-existence between the tribes of Nebraska and the government of Nebraska.

The Legislature shall conduct a study which shall include, but not be limited to:

1. An analysis of tribal sovereignty and its relationship to the federal government, state government, and local communities;
2. A review of economic development on Indian lands within Nebraska,

specifically what economic development initiatives have occurred on reservation lands in the last fifteen years;

3. A review of the positive fiscal impact that gambling has had on reservations around the country, as well as negative impacts that may occur on reservation lands or in the surrounding area;

4. An analysis of whether the crime rate has increased on reservations or in surrounding areas where gaming has been established; and

5. An analysis relating to the state's tax policies toward economic development and business development on tribal lands, and whether these policies impact negatively on a tribe's ability to attract businesses to the reservations.

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

1. That the General Affairs Committee and the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution. The committees shall hold hearings on the tribal lands of each of the four Nebraska tribes.

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 by December 1, 2000.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1348:
AM2993

(Amendments to E & R amendments, AM7233)

- 1 1. On page 2, line 2, strike "and"; in line 5 after
- 2 "commerce" insert "; and
- 3 (e) Strengthen value-added enterprises by promoting
- 4 strategic partnerships and networks through multi-group
- 5 cooperation"; in line 7 strike ", farming" and insert ";
- 6 (1) Farming"; in line 9 after "livestock" insert " "; and
- 7 (2) Value-added means altering raw food or nonfood
- 8 agricultural products through processing or other means in order to
- 9 increase their worth"; and in line 23 after "economy" insert
- 10 "including innovative cooperative efforts for value-added
- 11 enterprises".

Senators Wehrbein and Connealy filed the following amendment to LB 1348:
AM2999

(Amendments to E & R amendments, AM7233)

- 1 1. On page 5, line 10, after the period insert "Grant
- 2 funds for a project may be awarded to a cooperative, group,
- 3 association, or other entity if the entity is involved in an
- 4 activity designed to promote the purposes specified in such

5 section."
 6 2. On page 6, line 22, strike beginning with "in"
 7 through "2002-03"; in lines 23 and 26 after "dollars" insert "each
 8 year for two consecutive years"; and in line 25 after "Act" insert
 9 "making such grant funds available on and after January 1, 2001".
 10 3. On page 7, line 1, after "Act" insert "making such
 11 funds available on and after the effective date of this act".

Senator Kiel filed the following amendment to LB 1348:
 AM3009

(Amendments to E & R amendments, AM7233)

1 1. Insert the following new sections:
 2 "Section 1. This act shall be known and may be cited as
 3 the Neighborhood Development Act.
 4 Sec. 2. The Legislature finds that there is a need to:
 5 (1) Stimulate local community development efforts
 6 statewide;
 7 (2) Build an environment to engage in more effective
 8 community development; and
 9 (3) Assist community improvement groups which have
 10 positive impacts upon the vitality, cohesiveness, and continued
 11 viability of both urban and rural communities throughout the state.
 12 Sec. 3. The purposes of the Neighborhood Development Act
 13 are to:
 14 (1) Strengthen neighborhoods and small communities by
 15 enhancing their ability to develop community development plans;
 16 (2) Coordinate the use of existing programs and funds
 17 more efficiently and effectively in support of new programs and
 18 initiatives; and
 19 (3) Revitalize declining neighborhoods and small
 20 communities, maintain the integrity of stable, viable neighborhoods
 21 and small communities, and strengthen existing neighborhoods and
 22 small communities.
 23 Sec. 4. For the purposes of the Neighborhood Development
 1 Act:
 2 (1) College means the College of Architecture of the
 3 University of Nebraska-Lincoln;
 4 (2) Community improvement group means a neighborhood
 5 association or small community;
 6 (3) Fund means the Neighborhood Development Grant Fund;
 7 (4) Neighborhood association means an organization that
 8 is recognized or endorsed by an incorporated city or village or
 9 county as representing all of the residents within a specific,
 10 defined geographical area, with the organization representing those
 11 residents on a wide range of issues through an open meeting process
 12 with elected officers and regularly scheduled meetings; and
 13 (5) Small community means an unincorporated village or an
 14 incorporated city of the second class or village as defined in
 15 sections 17-101 and 17-201.

16 Sec. 5. (1) The Neighborhood Development Grant Fund is
17 created. The fund shall be used by the college to carry out its
18 duties and responsibilities under the Neighborhood Development Act.

19 (2) The State Treasurer shall credit to the fund any
20 money (a) appropriated to the fund by the Legislature, (b) donated
21 as gifts, bequests, grants, or otherwise contributed to the fund
22 from public or private sources, and (c) received pursuant to this
23 section. Any money in the fund available for investment shall be
24 invested by the state investment officer pursuant to the Nebraska
25 Capital Expansion Act and the Nebraska State Funds Investment Act.
26 (3) The amount in the fund used in any budget year by the
27 college to pay the expenses of the college in the performance of
1 its duties under the act shall not exceed the amount appropriated
2 by the Legislature to the fund in that budget year for that
3 purpose.

4 Sec. 6. (1) The college shall award development grants
5 to qualified community improvement groups through an application
6 process. The college shall develop and provide requesting
7 community improvement groups with an application form. The form
8 shall be simple and concise, using nontechnical language, and the
9 questions on the form shall be factual in nature.

10 (2) To be eligible for a grant, the applying community
11 improvement group shall:

12 (a) Demonstrate that the grant funds will be used for a
13 neighborhood or community project;

14 (b) Demonstrate with regard to the project:

15 (i) That it will provide a public benefit;

16 (ii) That it will provide a particular benefit to the
17 applicant's neighborhood or small community;

18 (iii) That it will be completed within one year after the
19 receipt of the grant;

20 (iv) That neighborhood or small community residents were
21 involved in the identification and planning for the project and
22 will be involved in the project's execution; and

23 (v) That the project does not duplicate an existing
24 public program;

25 (c) Document verifiable goals for the project for which
26 grant funds are requested; and

27 (d) Document that the applicant will bring to the project
1 a match equivalent in money or in-kind services equal to the
2 following scale:

3 (i) For a grant of five thousand dollars or less, a match
4 equivalent to twenty-five percent of the amount of the grant
5 sought;

6 (ii) For a grant of seven thousand five hundred dollars
7 or less but more than five thousand dollars, a match equivalent to
8 not less than twenty-six percent and no more than forty-nine
9 percent of the amount of the grant sought; and

10 (iii) For a grant of ten thousand dollars or less but

11 more than seven thousand five hundred dollars, a match equivalent
 12 to fifty percent or more of the amount of the grant sought.
 13 (3) A recipient of a grant shall not use the grant funds
 14 for administrative support of the recipient, for the planning of a
 15 project, or for the administrative costs relating to the planning
 16 of a project. Not more than five percent of the grant funds
 17 received shall be expended by the recipient of the grant for
 18 expenses incurred in administering the grant. A recipient of a
 19 grant may not receive more than one grant for the same project, and
 20 a project may not receive more than one grant in any one year. No
 21 grant to a single community improvement group shall exceed ten
 22 thousand dollars.

23 Sec. 7. In assessing the applications received from
 24 community improvement groups, the college shall weigh the relative
 25 merits of the applications, giving consideration to the following
 26 factors:

27 (1) The amount of the match;

1 (2) The level of involvement by persons living in the
 2 community;

3 (3) The community needs reflected in the application;

4 (4) The likelihood of the successful completion of the
 5 project;

6 (5) The innovative character of the proposed solution;
 7 and

8 (6) The efficiency of the proposed allocation of state,
 9 local, public, and private resources in solving the local community
 10 need.

11 Sec. 8. Upon completion of a project for which a grant
 12 has been received or within one year from the date of the receipt
 13 of a grant, whichever comes first, the recipient community
 14 improvement group shall provide the college with an evaluation
 15 reporting the results of the project.

16 Sec. 9. The college shall submit an annual report to the
 17 Governor and the Legislature on or before January 1 of each year
 18 listing the recipients and amounts of grants made pursuant to the
 19 Neighborhood Development Act in the previous year, the impact of
 20 the grants, and an evaluation of each project's performance based
 21 on the documented reports of the recipient community improvement
 22 groups."

23 2. Renumber the remaining sections and correct internal
 24 references accordingly.

Senator Wehrbein filed the following amendment to LB 1348A:
AM3000

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

3 "Section 1. There is hereby appropriated (1) \$1,000,000
 4 from the General Fund for FY2000-01 and (2) \$1,000,000 from the
 5 General Fund for FY2001-02 to the Department of Agriculture, for

6 Program 27, to aid in carrying out the provisions of Legislative
 7 Bill 1348, Ninety-sixth Legislature, Second Session, 2000.
 8 Total expenditures for permanent and temporary salaries
 9 and per diems from funds appropriated in this section shall not
 10 exceed \$54,371 for FY2000-01 or \$54,371 for FY2001-02.
 11 There is included in the appropriation to this program
 12 for FY2000-01 \$922,536 General Funds for state aid, which shall
 13 only be used for such purpose.
 14 There is included in the appropriation to this program
 15 for FY2001-02 \$922,536 General Funds for state aid, which shall
 16 only be used for such purpose.
 17 Sec. 2. There is hereby appropriated (1) \$875,000 from
 18 the General Fund for FY2000-01 and (2) \$875,000 from the General
 19 Fund for FY2001-02 to the Department of Economic Development, for
 20 Program 601, to aid in carrying out the provisions of Legislative
 21 Bill 1348, Ninety-sixth Legislature, Second Session, 2000.
 22 No expenditures for permanent and temporary salaries and
 23 per diems for state employees shall be made from funds appropriated
 24 in this section.
 1 There is included in the appropriation to this program
 2 for FY2000-01 \$875,000 General Funds for state aid, which shall
 3 only be used for such purpose.
 4 There is included in the appropriation to this program
 5 for FY2001-02 \$875,000 General Funds for state aid, which shall
 6 only be used for such purpose."

Senator Raikes filed the following amendment to LB 968:
 AM3004

1 1. Insert the following new sections:
 2 "Sec. 2. Section 23-114.03, Revised Statutes Supplement,
 3 1999, is amended to read:
 4 23-114.03. Zoning regulations shall be adopted or
 5 amended by the county board only after the adoption of the county
 6 comprehensive development plan by the county board and the receipt
 7 of the planning commission's specific recommendations or by
 8 adopting temporary zoning as provided in sections 23-115 to
 9 23-115.02. Such zoning regulations shall be consistent with an
 10 adopted comprehensive development plan and designed for the purpose
 11 of promoting the health, safety, morals, convenience, order,
 12 prosperity, and welfare of the present and future inhabitants of
 13 Nebraska, including, among others, such specific purposes as:
 14 (1) Developing both urban and nonurban areas;
 15 (2) Lessening congestion in the streets or roads;
 16 (3) Reducing the waste of excessive amounts of roads;
 17 (4) Securing safety from fire and other dangers;
 18 (5) Lessening or avoiding the hazards to persons and
 19 damage to property resulting from the accumulation or runoff of
 20 storm or flood waters;
 21 (6) Providing adequate light and air;

- 22 (7) Preventing excessive concentration of population and
23 excessive and wasteful scattering of population or settlement;
- 24 (8) Promoting such distribution of population, such
1 classification of land uses, and such distribution of land
2 development as will assure adequate provisions for transportation,
3 water flowage, water supply, drainage, sanitation, recreation, soil
4 fertility, food supply, and other public requirements;
- 5 (9) Protecting the tax base;
- 6 (10) Protecting property against blight and depreciation;
- 7 (11) Securing economy in governmental expenditures;
- 8 (12) Fostering the state's agriculture, recreation, and
9 other industries;
- 10 (13) Encouraging the most appropriate use of land in the
11 county; and
- 12 (14) Preserving, protecting, and enhancing historic
13 buildings, places, and districts.
- 14 Within the area of jurisdiction and powers established by
15 section 23-114, the county board may divide the county into
16 districts of such number, shape, and area as may be best suited to
17 carry out the purposes of this section and regulate, restrict, or
18 prohibit the erection, construction, reconstruction, alteration, or
19 use of nonfarm buildings or structures and the use, conditions of
20 use, or occupancy of land. All such regulations shall be uniform
21 for each class or kind of land or buildings throughout each
22 district, but the regulations in one district may differ from those
23 in other districts. An official map or maps indicating the
24 districts and regulations shall be adopted, and within fifteen days
25 after adoption of such regulations or maps, they shall be published
26 in book or pamphlet form or once in a legal newspaper published in
27 and of general circulation in the county or, if none is published
1 in the county, in a legal newspaper of general circulation in the
2 county. Such regulations shall also be spread in the minutes of
3 the proceedings of the county board and such map or maps filed with
4 the county clerk. Nonfarm buildings are all buildings except those
5 buildings utilized for agricultural purposes on a farmstead of
6 twenty acres or more which produces one thousand dollars or more of
7 farm products each year. A building used as a residence shall be
8 considered a nonfarm building even if such building is located on a
9 farmstead.
- 10 Sec. 68. Original section 23-114.03, Revised Statutes
11 Supplement, 1999, is repealed."
- 12 2. Correct the operative date section so that the
13 sections added by this amendment become operative three calendar
14 months following adjournment of this legislative session.
- 15 3. Renumber the remaining sections and correct internal
16 references accordingly.

Senator Raikes filed the following amendment to LB 968:
AM3012

- 1 1. Insert the following new sections:
- 2 "Sec. 55. Section 77-3446, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 77-3446. Base limitation means the budget limitation
- 5 rate applicable to school districts and the limitation on growth of
- 6 restricted funds applicable to other political subdivisions prior
- 7 to any increases in the rate as a result of special actions taken
- 8 by a supermajority of any governing board or of any exception
- 9 allowed by law. The base limitation is two and one-half percent
- 10 until adjusted. The base limitation may be adjusted annually by
- 11 the Legislature to reflect changes in the prices of services and
- 12 products used by school districts and political subdivisions. The
- 13 Revenue Committee of the Legislature shall on or before January 15
- 14 of each year hold a public hearing to receive and consider
- 15 testimony, evidence, and reports.
- 16 Sec. 68. Original section 77-3446, Revised Statutes
- 17 Supplement, 1998, is repealed."
- 18 2. Correct the operative date section so that the
- 19 sections added by this amendment become operative three calendar
- 20 months following adjournment of this legislative session.
- 21 3. Renumber the remaining sections and correct internal
- 22 references accordingly.

Senator Hilgert filed the following amendment to LB 1115:
AM2987

- 1 1. Insert the following section:
- 2 "Sec. 6. Section 52-401, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 52-401. Whenever any person employs a physician,
- 5 chiropractor, nurse, or hospital to perform professional service or
- 6 services of any nature, in the treatment of or in connection with
- 7 an injury, and such injured person claims damages from the party
- 8 causing the injury, such physician, chiropractor, nurse, or
- 9 hospital, as the case may be, shall have a lien upon any sum
- 10 awarded the injured person in judgment or obtained by settlement or
- 11 compromise on the amount due for the usual and customary charges of
- 12 such physician, chiropractor, nurse, or hospital applicable at the
- 13 times services are performed, except that no such lien shall be
- 14 valid against anyone coming under the Nebraska Workers'
- 15 Compensation Act.
- 16 In order to prosecute such lien, it shall be necessary
- 17 for such physician, chiropractor, nurse, or hospital to serve a
- 18 written notice upon the person or corporation from whom damages are
- 19 claimed that such physician, chiropractor, nurse, or hospital
- 20 claims a lien for such services and stating the amount due and the
- 21 nature of such services, except that whenever an action is pending
- 22 in court for the recovery of such damages, it shall be sufficient
- 23 to file the notice of such lien in the pending action.
- 24 A physician, chiropractor, nurse, or hospital claiming a

- 1 lien under this section shall not be liable for attorney's fees and
2 costs incurred by the injured person in securing the judgment,
3 settlement, or compromise, but the lien of the injured person's
4 attorney shall have precedence over the lien created by this
5 section.
6 Upon a written request and with the injured person's
7 consent, a lienholder shall provide medical records, answers to
8 interrogatories, depositions, or any expert medical testimony
9 related to the recovery of damages within its custody and control
10 at a reasonable charge to the injured person."
11 2. On page 96, line 17, after the last comma insert
12 "52-401,".
13 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Linda and Mike Voosen from Bloomington, Minnesota and Teresa L. Stitcher Fritz from Lincoln; former Senator Connie Day, and son, Brandon, from Norfolk; Steve Voigt from Kearney; Susan Breunig from Wahoo; Senator Vrtiska's son, Kim Vrtiska, from Tecumseh; Jeff, Yvette, Trevor, and Silas Percival from Colorado Springs, Colorado; and 10 students and teacher from McPhee Elementary School, Lincoln.

The Doctor of the Day was Dr. Kevin Schierling from Lincoln.

ADJOURNMENT

At 5:36 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, March 23, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 23, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 2000

PRAYER

The prayer was offered by Father Martin Conley, Holy Family Catholic Church, Decatur, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Aguilar, Bohlke, Brashear, Bromm, Crosby, Dierks, Hilgert, Hudkins, Kiel, Kristensen, Landis, Dw. Pedersen, D. Pederson, Price, Robak, and Schmitt who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 1124A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 1399A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 1 nay, 6 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 936. The Standing Committee amendment, AM2736, printed separately and referred to on page 1025 and considered on page 1162, was renewed.

Senator Beutler withdrew his amendment, FA335, found on page 1162.

Senator Beutler renewed his pending amendment, FA336, found on page 1188, to the Standing Committee amendment.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 973. Placed on Select File as amended.
(E & R amendment, AM7244, 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

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 370. Indefinitely postponed.
LEGISLATIVE BILL 371. Indefinitely postponed.
LEGISLATIVE BILL 428. Indefinitely postponed.
LEGISLATIVE BILL 1371. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Education

LEGISLATIVE BILL 1324. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Senator Wehrbein filed the following amendment to LB 572:
AM3013

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 19-405, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 19-405. (1) Any person desiring to become a candidate
- 5 for the office of council member provided for in section 19-404
- 6 shall file a candidate filing form as provided in sections 32-606
- 7 and 32-607 and pay the filing fee as provided in section 32-608.
- 8 (2) Candidates shall be nominated at large either at the
- 9 statewide primary election or by filing a candidate filing form if
- 10 there are not more than two candidates who have filed for each
- 11 position or if the council waives the requirement for a primary
- 12 election.

13 (3) The council may waive the requirement for a primary
14 election by adopting an ordinance prior to January 5 of the year in
15 which the primary election would have been held. If the council
16 waives the requirement for a primary election, all candidates
17 filing candidate filing forms by August 1 prior to the date of the
18 general election as the deadline provided in subsection (2) of
19 section 32-606 shall be declared nominated. If the council does
20 not waive the requirement for a primary election and if there are
21 not more than two candidates filed for each position to be filled,
22 all candidates filing candidate filing forms by the deadline
23 prescribed in subsection (1) of section 32-606 shall be declared
24 nominated as provided in subsection (1) of section 32-811 and their
1 names shall not appear on the primary election ballot.

2 Sec. 4. Section 32-606, Revised Statutes Supplement,
3 1999, is amended to read:

4 32-606. (1) Any candidate may place his or her name on
5 the primary election ballot by filing a candidate filing form
6 prescribed by the Secretary of State as provided in section 32-607.
7 If a candidate for an elective office is an incumbent, the deadline
8 for filing the candidate filing form shall be February 15 prior to
9 the date of the primary election. No incumbent who resigns from
10 elective office prior to the expiration of his or her term shall
11 file for any office after February 15 of that election year. All
12 other candidates shall file for office by March 1 prior to the date
13 of the primary election. A candidate filing form may be
14 transmitted by facsimile for the offices listed in subdivision (1)
15 of section 32-607 if (a) the transmission is received in the office
16 of the filing officer by the filing deadline and (b) the original
17 filing form is mailed to the filing officer with a legible postmark
18 bearing a date on or prior to the filing deadline and is in the
19 office of the filing officer no later than seven days after the
20 filing deadline.

21 (2) Any candidate for a township office in a county under
22 township organization, the city council of a city under the
23 commission plan of government, the board of trustees of a village,
24 the board of directors of a reclamation district, the county weed
25 district board, the board of directors of a public power district
26 receiving annual gross revenue of less than forty million dollars,
27 the school board of a Class II school district, the board of
1 trustees of a road improvement district, or the board of an
2 educational service unit may place his or her name on the general
3 election ballot by filing a candidate filing form prescribed by the
4 Secretary of State as provided in section 32-607. If a candidate
5 for an elective office is an incumbent, the deadline for filing the
6 candidate filing form shall be July 15 prior to the date of the
7 general election. No incumbent who resigns from elective office
8 prior to the expiration of his or her term shall file for any
9 office after July 15 of that election year. All other candidates
10 shall file for office by August 1 prior to the date of the general

11 election. A candidate filing form may be transmitted by facsimile
 12 for the offices listed in subdivision (1) of section 32-607 if (a)
 13 the transmission is received in the office of the filing officer by
 14 the filing deadline and (b) the original filing form is mailed to
 15 the filing officer with a legible postmark bearing a date on or
 16 prior to the filing deadline and is in the office of the filing
 17 officer no later than seven days after the filing deadline.

18 (3) Any city having a home rule charter may provide for
 19 filing deadlines for any person desiring to be a candidate for the
 20 office of council member or mayor.

21 Sec. 9. Section 39-1606, Reissue Revised Statutes of
 22 Nebraska, is amended to read:

23 39-1606. Any resident property owner desiring to file
 24 for the office of trustee of a road improvement district may file
 25 for such office with the county clerk or election commissioner of
 26 the county in which the greater proportion in area of the district
 27 is located, ~~not later than forty-five days before the election on~~
 1 or before the deadline provided in subsection (2) of section
 2 32-606, by paying a filing fee of five dollars. At the first
 3 meeting of the trustees of such district after the election of one
 4 or more members at an election pursuant to section 32-551, the
 5 board shall elect one of their number president. Such district
 6 shall be a body corporate and politic by name of Road Improvement
 7 District No. of County or Counties, as
 8 the case may be, with power to sue, be sued, contract, acquire and
 9 hold property, and adopt a common seal. Each trustee shall receive
 10 as his or her salary the sum of five dollars for each meeting.

11 Sec. 10. Sections 1, 4, 9, 10, 11, and 13 of this act
 12 become operative on their effective date. The other sections of
 13 this act become operative three calendar months after adjournment
 14 of this legislative session.

15 Sec. 11. Original section 39-1606, Reissue Revised
 16 Statutes of Nebraska, and sections 19-405 and 32-606, Revised
 17 Statutes Supplement, 1999, are repealed.

18 Sec. 13. Since an emergency exists, this act takes
 19 effect when passed and approved according to law."

20 2. Renumber the remaining sections and correct internal
 21 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 936. The Beutler pending amendment, FA336, found on page 1188 and considered on page 1232, to the Standing Committee amendment, was renewed.

Senator Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The Beutler amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

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

FA341

Amend AM2736

P. 4, lines 20-22, strike "sales to the ultimate consumer of food prepared for immediate consumption or" and renumber.

SENATOR CUDABACK PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 1145:
(Amendment, AM2988, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Jensen filed the following amendment to LB 1115:
AM2933

- 1 1. Insert the following sections:
- 2 "Sec. 3. Section 28-720, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-720. (1) All cases in the central register as of the
- 5 operative date of this section shall continue to be classified in
- 6 one of the following categories: (1) Court substantiated; (2)
- 7 petition to be filed; (3) investigation inconclusive; or (4)
- 8 unfounded report, whichever the case may be. All information
- 9 identifying the subjects of unfounded reports shall be expunged
- 10 from the register, forthwith.
- 11 (2) On and after the operative date of this section, all
- 12 cases entered on the central register shall be classified in one of
- 13 the following categories of substantiation:
- 14 (a) Court substantiated, if a court of competent
- 15 jurisdiction has entered a judgment of guilty upon a criminal
- 16 complaint, indictment, or information or there has been an
- 17 adjudication of a juvenile petition under subdivision (3)(a) of
- 18 section 43-247 which relates or pertains to the same subject matter
- 19 as the report of abuse or neglect;
- 20 (b) Court pending, if a criminal complaint, indictment,
- 21 or information or a juvenile petition under subdivision (3)(a) of
- 22 section 43-247, which relates or pertains to the same subject
- 23 matter as the report of abuse or neglect, has been filed in a court
- 24 of competent jurisdiction; or
- 1 (c) Agency substantiated, if based on an investigation
- 2 pursuant to section 28-713 and a preponderance of evidence
- 3 indicates that abuse or neglect occurred.

- 4 All reports of child abuse or neglect which are not
5 substantiated under subdivisions (2)(a), (b), or (c) of this
6 section shall be considered unfounded and shall not be maintained
7 on the central register.
8 Sec. 124. Sections 3 and 125 of this act become
9 operative three calendar months after adjournment of this
10 legislative session. The other sections of this act become
11 operative on their effective date.
12 Sec. 125. Original section 28-720, Reissue Revised
13 Statutes of Nebraska, is repealed."
14 2. Renumber the remaining sections and correct internal
15 references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 339. Introduced by Byars, 30.

PURPOSE: Nebraska has a significant lack of persons trained or equipped to respond to emergencies involving hazardous materials. Primarily only the larger fire departments are prepared to respond to such incidents. Thus there are large geographical areas of Nebraska where there is little or no coverage for hazardous materials incidents.

There are serious liability and other consequences to this, including property damage, death and injuries to responders and others, environmental catastrophes, legal liability for damages caused by responders who respond above their level of certification and training, and criticism when they fail to respond.

Fire departments and other responders that are prepared to respond to hazardous materials emergencies should be encouraged to join with other responders in a geographical area to create cooperative regional response teams.

Municipal fire departments that are trained to respond to hazardous materials emergencies are funded by municipal sources and generally do not respond outside their jurisdictions. Because of spending and levy limits, they are financially unable to support the infrastructure of regional response teams. Smaller fire departments and other emergency response agencies do not have the financial resources to respond or to contribute to the departments that can respond.

Because of the variety of sources of hazardous materials incidents and the statewide nature of this situation, Legislative Bill 1262, Ninety-sixth Legislature, Second Session, 2000, was introduced to provide state funding for regional hazardous materials response teams. The bill was heard by the Government, Military and Veterans Affairs Committee of the Legislature. The purpose of this interim study resolution is to examine the issues raised by LB 1262, including, but not limited to:

1. The levels of response specified in federal standards and the potential liability of political subdivisions for responding to hazardous materials incidents in a manner that is not consistent with those federal standards;
2. The costs to equip, train, and maintain regional response teams

throughout the state;

3. The use of state general funds or other state funding for this purpose;

4. Any federal funds that might be available for this purpose;

5. Other possible sources of funding such as funds from the Nebraska Environmental Trust Fund, a fee on motor vehicle registrations, or a fee on residential and commercial insurance policies;

6. The appropriate state agency to administer such a program and any funding;

7. Whether political subdivisions should be required to provide a full or partial match for any funding and, if so, whether the match should be actual dollars or a soft match;

8. Whether funding should be provided for needs other than hazardous materials response such as confined space rescue, rope rescue, vehicle extrication, and response to terrorism or for equipment such as jaws-of-life units, search and rescue equipment, rope rescue equipment, and atmosphere monitors; and

9. Whether a state agency should designate the regions or whether the regions should be allowed to develop over time as political subdivisions join together to organize regional response efforts and apply for available funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 1115. Title read. Considered.

The Standing Committee amendment, AM2715, printed separately and referred to on page 1030, was considered.

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

AM3024

(Amendments to Standing Committee amendments, AM2715)

1 1. Strike sections 12, 13, 14, 17, 18, 19, 20, 22, 26,
2 32, 33, 36, 37, 38, 39, 40, 42, 87, 88, 89, 90, 91, 92, 95, 96, 97,
3 98, 99, 100, 101, 102, 106, 118, and 126.

4 2. On page 1, line 1, strike "77, and 78" and insert
5 "and 77".

6 3. On page 46, lines 16 through 18, strike the new
7 matter.

- 8 4. Renumber the remaining sections, correct internal
9 references, and correct repealer accordingly.

The Jensen amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Senator Thompson offered the following amendment to the Standing Committee amendment:
AM3025

(Amendments to AM2715)

- 1 1. Insert the following sections:
2 "Sec. 74. Section 71-5707, Revised Statutes Supplement,
3 1999, is amended to read:
4 71-5707. (1) No person shall smoke in a public place or
5 at a public meeting except in designated smoking areas. This
6 prohibition does not apply in cases in which an entire room or hall
7 is used for a private social function and seating arrangements are
8 under the control of the sponsor of the function and not of the
9 proprietor or person in charge of such room or hall.
10 (2) With respect to factories, warehouses, and similar
11 places of work not usually frequented by the general public, the
12 Department of Health and Human Services Regulation and Licensure
13 shall, in consultation with the Department of Labor, establish
14 rules to restrict or prohibit smoking in those places of work where
15 the close proximity of workers or the inadequacy of ventilation
16 causes smoke pollution detrimental to the health and comfort of
17 nonsmoking employees.
18 (3) Smoking is prohibited in all vehicles owned or leased
19 by the state and in all buildings, and the area within ten feet of
20 any entrance of such buildings, which are owned, leased, or
21 occupied by the state or its political subdivisions except as
22 provided in subsections (4), (5), and (6) of this section.
23 (4) The following buildings or areas within buildings in
1 which persons reside or lodge may be exempt from this section: (a)
2 Nebraska veterans homes established pursuant to section 80-315; (b)
3 private residences; (c) facilities and institutions under the
4 control of the Department of Health and Human Services; and (d)
5 overnight lodging facilities and buildings managed by the Game and
6 Parks Commission, but no more than twenty-five percent of the
7 overnight lodging facilities at each park location shall permit
8 smoking.
9 (5) Designated smoking areas not to exceed fifty percent
10 of the space used by the public may be established in state-owned
11 buildings at the Nebraska State Fairgrounds that possess a Class C,
12 I, or M license for the sale of alcoholic liquor for consumption on
13 the premises under the Nebraska Liquor Control Act.
14 (6) Smoking may be permitted in no more than forty
15 percent of the residential housing rooms or units owned or leased
16 on each campus under the control of the Board of Regents of the

17 University of Nebraska or the Board of Trustees of the Nebraska
18 State Colleges.

19 Sec. 75. Section 71-5713, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-5713. The Department of Health and Human Services
22 Regulation and Licensure, a local board of health, or any affected
23 party may institute an action in any court with jurisdiction to
24 enjoin any violation of ~~section 71-5707~~ the Nebraska Clean Indoor
25 Air Act."

26 2. Renumber the remaining sections, correct internal
27 references, and correct repealer accordingly.

Senator Schimek asked unanimous consent to be excused until she returns.
No objections. So ordered.

Senator Jensen moved the previous question. The question is, "Shall the
debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not
voting.

The Thompson amendment was adopted with 26 ayes, 7 nays, 14 present
and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34
ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Lynch withdrew his amendment, AM2723, found on page 1099.

Advanced to E & R for review with 40 ayes, 1 nay, 7 present and not voting,
and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 340. Introduced by Wickersham, 49;
Bromm, 23.

PURPOSE: The purpose of this study is to examine the train mile tax, the
gas tax, and the needs of the state in improving railroad crossings. The study
shall determine the appropriate level of state contribution to improve
railroad crossings and the most appropriate state tax for financing that
amount.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 1115:
AM3027

(Amendments to Standing Committee amendments, AM2715)

1 1. Insert the following sections:
2 "Sec. 13. Section 71-133, Revised Statutes Supplement,
3 1999, is amended to read:
4 71-133. (1) The oral or practical work portion of any
5 examination for licensure or certification under the Uniform
6 Licensing Law shall be given by a majority of the members of the
7 appropriate professional board except in dentistry. The oral
8 examination questions shall be limited to the practice of the
9 profession. The members of the board need not be present at the
10 examination given to applicants when a national examination or any
11 other written examination is utilized. Such board may delegate the
12 administration of such examination to the department. The
13 department may designate an organization to administer a national
14 or written examination.

15 (2) In dentistry, the final practical examination in
16 clinical dentistry may be given at the infirmary of each of the
17 dental colleges, schools, or departments legally conducted in the
18 State of Nebraska, ~~of which the applicant is a graduate.~~ The
19 Central Regional Dental Testing Service practical examination or
20 any other regional or state practical examination that the Board of
21 Dentistry determines to be comparable to the Central Regional
22 Dental Testing Service practical examination may be used to meet
23 the requirement of a final practical examination for dentists and
1 for dental hygienists. Any person who applies for a license to
2 practice dentistry or dental hygiene who has failed on one occasion
3 to pass the oral ~~practical~~ examination administered by the ~~Board of~~
4 ~~Dentistry board~~ shall be required to subsequently take and pass the
5 ~~Central Regional Dental Testing Service~~ practical examination
6 before the department shall consider the applicant's qualifications
7 for a license to practice dentistry or dental hygiene in the State
8 of Nebraska. Any person who applies for a license to practice
9 dentistry or dental hygiene who has failed on two occasions to pass
10 any part of the examination shall be required to complete a course
11 in clinical dentistry approved by the board before the department
12 shall consider the results of a third examination as a valid
13 qualification for a license to practice dentistry or dental hygiene
14 in the State of Nebraska.

15 Sec. 14. Section 71-161.10, Revised Statutes Supplement,
16 1999, is amended to read:

17 71-161.10. (1) Upon the establishment of such standards
18 for recredentialing by any professional board, by rule and
19 regulation, and with the approval of the department, each
20 recredialed person in active practice within the state shall, on
21 or before the date of expiration of his or her credential in the

22 year the requirement applies, certify on an affidavit form provided
23 by the appropriate professional board that he or she has complied
24 with section 71-161.09 during the preceding two-year period. The
25 board shall, on or before the date of expiration of the credential
26 in the year the requirement applies, report each credentialed
27 person who has complied with the educational requirements to the
1 department. A credentialed person who has not complied with such
2 requirement shall not be issued a renewal credential unless such
3 requirements are waived or unless such credentialed person is
4 unable to comply due to circumstances beyond his or her control.
5 Procedures for nonrenewal of the credential due to failure to
6 submit proof of continuing education shall be identical to those
7 for nonpayment of renewal fees as provided in sections 71-110 and
8 71-149, as well as procedures for reinstatement of the same. In
9 cases other than nonrenewal, the procedures in sections 71-149 and
10 71-150 for refusal to renew shall apply. The department, on the
11 recommendation of the appropriate professional board, may waive
12 continuing education requirements, in part or in total, for any
13 two-year credentialing period when a credentialed person submits
14 documentation that circumstances beyond his or her control
15 prevented completion of such requirements. Such circumstances
16 shall include situations in which:

17 (a) The credentialed person holds a Nebraska credential
18 but is not practicing his or her profession or occupation in
19 Nebraska;

20 (b) The credentialed person has served in the regular
21 armed forces of the United States during part of the twenty-four
22 months immediately preceding the renewal date;

23 (c) The credentialed person has submitted proof that he
24 or she was suffering from a serious or disabling illness or
25 physical disability which prevented completion of the required
26 number of continuing education hours during the twenty-four months
27 immediately preceding the renewal date; and

1 (d) The credentialed person was first credentialed within
2 the twenty-four months immediately preceding the renewal date,
3 except as provided in subdivision (4) of section 71-1,136.01.
4 The department, with the consent of the appropriate
5 board, may adopt and promulgate rules and regulations not
6 inconsistent with this section pertaining to waiver of continuing
7 education requirements.

8 (2) Each credentialed person shall provide a sworn
9 affidavit listing continuing education activities in which he or
10 she participated or attended, the amount of credit received for
11 each activity, and the date, location, and name of the approved
12 provider which sponsored the activity on a separate form or portion
13 of the renewal application as may be designed by the department.
14 Each credentialed person shall be responsible for maintaining in
15 his or her personal files such certificates or records of credit
16 from continuing education activities received from approved

17 providers.

18 The appropriate board may biennially select, in a random
19 manner, a sample of the renewal applications for audit of
20 continuing education credits. Each credentialed person selected
21 for audit shall be required to produce documentation of his or her
22 attendance at the continuing education seminars listed on his or
23 her renewal application.

24 Sec. 17. Section 71-183.02, Revised Statutes Supplement,
25 1999, is amended to read:

26 71-183.02. For purposes of sections 71-183 to 71-193.20
27 and section 20 of this act, dental assistant means a person, other
1 than a dental hygienist, employed by a licensed dentist for the
2 purpose of assisting such dentist in the performance of his or her
3 clinical and clinical-related duties.

4 Sec. 18. Section 71-193.04, Revised Statutes Supplement,
5 1999, is amended to read:

6 71-193.04. Any person (1) of good moral character, (2)
7 who has attained the age of eighteen years, and (3) who is a
8 graduate of a training school for dental hygienists that is
9 accredited by the Commission on Dental Accreditation of the
10 American Dental Association and is approved by the Board of
11 Dentistry and that requires a course of not less than two academic
12 years may be examined by such board on the subjects considered
13 essential by it for a dental hygienist. Upon passage of the
14 examination, the board shall recommend to the department that a
15 license to practice as a dental hygienist be issued.

16 Sec. 19. Section 71-193.16, Revised Statutes Supplement,
17 1999, is amended to read:

18 71-193.16. As used in For purposes of sections 71-183 to
19 71-193.20 and section 20 of this act, (1) general supervision means
20 the directing of the authorized activities of a dental hygienist or
21 dental assistant by a licensed dentist and shall not be construed
22 to require the physical presence of the supervisor when directing
23 such activities and (2) indirect supervision means supervision when
24 the licensed dentist authorizes the procedure to be performed by a
25 dental hygienist or dental assistant and the licensed dentist is
26 physically present on the premises when such procedure is being
27 performed by the dental hygienist pursuant to section 71-193.18 or
1 the dental assistant.

2 Sec. 20. A dental hygienist student who practices dental
3 hygiene upon patients in a clinic in the regular course of
4 instruction in an accredited dental hygiene education program is
5 not engaged in the unauthorized practice of dental hygiene.

6 Sec. 26. Section 71-1,136.01, Revised Statutes
7 Supplement, 1999, is amended to read:

8 71-1,136.01. Each Nebraska-licensed optometrist in
9 active practice within the State of Nebraska shall be required on
10 or before August 1 of each even-numbered year to attend thirty-two
11 hours biennially, of which sixteen hours shall be earned annually,

12 of such approved scientific schools, clinics, forums, lectures, or
13 optometric educational seminars, as may be announced and approved
14 by the Board of Optometry, as a prerequisite for the licensee's
15 next subsequent license renewal if at least sixteen hours of such
16 educational program are conducted annually in the State of Nebraska
17 and at least thirty-two hours of such educational program are
18 conducted biennially in the State of Nebraska.

19 Each licensed optometrist in active practice within the
20 State of Nebraska shall, on or before August 1 of each
21 even-numbered year, certify on forms provided by the board that he
22 or she has complied with sections 71-1,133 to 71-1,136 and this
23 section during the preceding two-year period. Such board shall, on
24 or before August 1 of each even-numbered year, report all licensees
25 who have complied with the educational requirements to the
26 department. Licensees who have not complied with such requirements
27 shall not be issued a renewal license unless exempt or excused for
1 good cause shown. The department, on the recommendation of the
2 board, may waive continuing education requirements, in part or in
3 total, for any two-year licensing period when a licensee submits
4 documentation that circumstances beyond his or her control
5 prevented completion of such requirements. Such circumstances
6 shall include situations in which:

7 (1) The licensee holds a Nebraska license but is not
8 practicing optometry in Nebraska;

9 (2) The licensee has served in the regular armed forces
10 of the United States during part of the twenty-four months
11 immediately preceding the license renewal date;

12 (3) The licensee has submitted proof that he or she was
13 suffering from a serious or disabling illness or physical
14 disability which prevented completion of the required number of
15 continuing education hours during the twenty-four months
16 immediately preceding any license renewal date; and

17 (4) The licensee was first licensed within the
18 ~~twenty-four~~ twenty-six months immediately preceding the renewal
19 date provided in section 71-110.

20 The department, with the consent of the board, may adopt
21 and promulgate rules and regulations not inconsistent with this
22 section pertaining to waiver of continuing education requirements.

23 Each licensee shall provide a sworn affidavit listing
24 continuing education activities in which he or she participated or
25 attended, the amount of credit received for each activity, and the
26 date, location, and name of the approved provider which sponsored
27 the activity on a separate form or portion of the license renewal
1 application as may be designed by the department. Each licensee
2 shall be responsible for maintaining in his or her personal files
3 such certificates or records of credit from continuing education
4 activities received from approved providers.

5 The board may biennially select, in a random manner, a
6 sample of the license renewal applications for audit of continuing

7 education credits. Each licensee selected for audit shall be
8 required to produce documentation of his or her attendance at the
9 continuing education seminars listed on his or her renewal
10 application."

11 2. Renumber the remaining sections, correct internal
12 references, and amend repealer accordingly.

VISITORS

Visitors to the Chamber were 42 fourth grade students and teachers from Plattsmouth; 50 seniors from Northeast High School, Lincoln; 43 seventh grade students and teachers from Sandy Creek Public School, Fairfield; 16 students and teachers from Twin Valley; Chris Nowicki from Omaha; and Randy and Cindy Thomas from Lincoln.

RECESS

At 11:57 a.m., on a motion by Senator Aguilar, 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 Senators Bromm, Coordsen, Cudaback, Dickey, Engel, Hudkins, Jones, Kristensen, Lynch, Robak, and Suttle who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 936. The Chambers pending amendment, FA341, found on page 1235, to the Standing Committee amendment, was renewed.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment lost with 14 ayes, 20 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 341. Introduced by Wickersham, 49; Wehrbein, 2.

PURPOSE: The purpose of this study is to identify all state or federal cemetery facilities available to veterans statewide and determine if they meet the current and future needs of veterans and their families. Construction and operations costs of state veterans cemeteries in Box Butte and Hall counties shall be examined. Input shall be sought from the Department of Veterans' Affairs, various veterans' organizations, and other interested parties to address these questions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 342. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: Nebraska has in place several economic development tax incentives. Most have been in operation long enough that conclusions may be drawn as to the long-term impacts of these initiatives. For example, from the date of enactment of the Employment and Investment Growth Act through the year 1999, more than \$1.5 billion of credits and refunds have been earned by companies qualifying under the act, and over \$1 billion of credits and refunds have been used. While the number of new jobs measured by full-time equivalents is reported to be about 60,000, detailed analysis shows that more than half of the FTE jobs are not new positions created, but are increases in hours for existing employees. Measured against employment in actual new jobs, the cost of the program is approximately \$50,000 per job in credits and refunds earned, and \$37,000 per job in credits and refunds used to date. Assuming that 30% of the projects would not have occurred absent the existence of the Employment and Investment Growth Act, state revenue growth due to the new business that would not be in Nebraska absent the act falls short of the amount of credits used by approximately \$20 million per year.

For the Quality Jobs Act, the expected increase in state revenue is also less than the value of the benefits granted. New economic models show that, even assuming that all projects qualifying for benefits under the Quality Jobs Act would not have occurred without the benefits, the expected state revenue growth due to increased economic activity totals 15% to 50% of the

foregone tax revenue over the first ten years of the project.

The revenue loss resulting from these initiatives will make it increasingly difficult to provide meaningful state tax relief for all Nebraskans in the future. In addition to the cost of these programs to the state, their presence causes changes in the economic base of the state that may or may not be desirable. New economic models show that when labor is a scarce resource, job growth in some industries or regions results in job losses in other industries or regions. Growth in areas of the state that are already growing places stress on local government infrastructure and services. This in turn means higher property taxes in those areas. Refunds of local taxes add to this difficulty and cause problems for local governments that count on stable revenue when developing budgets.

These costs and negative impacts are of concern to the Legislature. They impair our ability to meet at least two other objectives: Tax equity and tax relief for all Nebraskans.

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

1. That the Revenue Committee of the Legislature, together with the Department of Revenue and the Legislative Fiscal Office should undertake a review of the Employment and Investment Growth Act and the Quality Jobs Act with the goal of targeting those programs to achieve state goals more precisely. The study should make use of the Legislature's IMPLAN and CGE models in this attempt to achieve the following:

a. Businesses qualifying should be examined to limit the reach of these acts to those projects that create the most jobs, the best jobs, the most spin-off employment, and the smallest cost to the taxpayer;

b. Qualifications should be examined to minimize job losses in more rural areas of Nebraska; and

c. Procedures should be examined to allow local governments to plan and budget for the refund of or exemption from local taxes caused by these programs.

2. The Revenue Committee shall make recommendations for changes in the Employment and Investment Growth Act and the Quality Jobs Act and issue a report summarizing its recommendations to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: The sales tax may be the tax program that is under the most economic pressure at this point in time. In the modern economy, more and more goods and services are purchased from remote vendors both by traditional means and through the Internet. Constitutional restrictions prevent our state from enforcing a collection responsibility against remote sellers with no physical presence in the State of Nebraska. This in turn makes our tax system more and more discriminatory with regard to merchants in the state and consumers that purchase from them.

Under economic and political constraints that will continue to prevent collection of the sales tax on an equitable basis, that is, treating all purchasers of property and services the same, Nebraska may have to consider a significant change in its sales and use tax system. Among these changes could be (1) more uniformity with surrounding states with regard to base subject to tax, cumulative tax rates, and procedures for collection; (2) multi-state collection agreements; and (3) systems that minimize or even eliminate any burden borne by the seller in collecting the tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 344. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25.

PURPOSE: The purpose of this study is to develop and examine ways in which the taxpayer appeal process through the Tax Equalization and Review Commission may be made more taxpayer friendly. The study shall examine formality, procedures, required filings, composition of the commission, administrative resources and needs, and the standard of proof to be met in appeals from a county board of equalization decision.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 345. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Bohlke, 33; Coordsen, 32; Dierks, 40; Hartnett, 45; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: The purpose of this resolution is to examine Nebraska's overall tax structure. The study shall examine the burden borne by Nebraska taxpayers in the aggregate compared to that of taxpayers in other states by various measures, and the burden on individual taxpayers as affected by exemptions from tax, tax credits, and other preferences granted to some taxpayers as compared to others. The study will examine whether tax burdens are similar for similarly situated taxpayers with a focus on tax

equity. The study is to examine all of the major tax programs used in Nebraska, the exemptions, credits, and other preferences granted within those tax bases, our relative reliance on each, and the combined burden they place on Nebraska taxpayers in a variety of situations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 346. Introduced by Wickersham, 49; Redfield, 12; Raikes, 25.

PURPOSE: The purpose of this study is to examine the property tax exemption standards and procedures. The study shall examine the amount and use of exempt property in Nebraska, the differences in what might be exempt in some counties as compared to others, and the need for more definite state standards governing the granting of property tax exemptions. The study shall also examine the procedures for granting property tax exemptions. If a property tax exemption is denied, how should applicants for the tax exemption appeal the validity of the exemption as an issue separate and apart from the value placed on the property, if taxable? The study of procedures shall also determine if they adequately protect the public and give assurance that the ownership and use of the property justifies the exemption. A key issue is whether or not there is sufficient opportunity for members of the public and other interests to consider the impact exempt property has on the remaining taxpayers and have input into the process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 347. Introduced by Redfield, 12; Wickersham, 49; Raikes, 25.

PURPOSE: The purpose of this study is to examine the personal income tax system in an effort to consider changes that would provide more equity for working couples. The nature of the Nebraska workforce has changed over the past thirty years and includes far more working couples than was true when the income tax brackets, exemptions, and deductions were developed.

The study should look at the number of Nebraska couples that benefit from a "marriage bonus" versus the number that are subject to a "marriage penalty", develop alternatives in an attempt to achieve a better balance between the two, and determine the cost of implementing alternatives. Alternatives examined should include changes in tax brackets and the standard deduction as well as alternative filing options.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 348. Introduced by Wickersham, 49.

PURPOSE: The recent United States Supreme Court decision in the case of South Central Bell Telephone Co. v. Alabama, has caused many to examine Nebraska's system of corporate occupation tax. Nebraska may want to consider reforming the tax in light of our rapidly changing economy and the implications of the Commerce Clause of the United States Constitution. This study should examine ways of achieving uniform treatment of foreign versus domestic corporations without significantly damaging the fiscal situation of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 349. Introduced by Wickersham, 49.

PURPOSE: This study shall examine occupation taxes. Occupation taxes are a large and growing aspect of municipal finance. The study should determine the amount of occupation taxes collected and the role they play in financing municipal operations. The committee shall determine whether or not occupation taxes are significant enough that state law should restrict their growth as is the case with most other taxes collected by local governments.

The study should also examine whether or not counties should have a similar power to collect occupation taxes on businesses outside a municipality's taxing jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 936. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA342

Amend AM2736

Page 5, strike subsection (15) and renumber, and at page 7 strike section 4 and renumber.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment lost with 1 aye, 19 nays, 23 present and not voting, and 6 excused and not voting.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

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

AM3034

(Amendments to AM2736)

- 1 1. On page 13, line 18; and page 14, line 4, strike
- 2 "immediately due and payable" and insert "due as of the time the
- 3 tax should have been due were it not for the credits granted under
- 4 the act and immediately payable. Interest shall be added to the
- 5 amount, calculated from the time the tax would have been due were
- 6 it not for the credits granted under the act until the recaptured
- 7 taxes are delinquent, at a rate of six percent per annum".
- 8 2. On page 14, after line 21 insert the following new
- 9 subsection:
- 10 "(7) Taxes recaptured under the act shall be delinquent
- 11 sixty days after notification from the Tax Commissioner of
- 12 recapture.".

Senator Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler	Bohlke	Bourne	Bromm	Chambers
Connealy	Hilgert	Kiel	Kristensen	Landis
Price	Quandahl	Redfield	Robak	Schimek
Thompson	Wickersham			

Voting in the negative, 20:

Aguilar	Baker	Bruning	Byars	Crosby
Dickey	Engel	Hudkins	Jensen	Jones
Kremer	Matzke	Pedersen, Dw.	Pederson, D.	Raikes
Schrock	Smith	Stuhr	Vrtiska	Wehrbein

Present and not voting, 8:

Brown	Coordsen	Cudaback	Hartnett	Janssen
Preister	Schmitt	Suttle		

Excused and not voting, 4:

Brashear	Dierks	Lynch	Tyson
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The Beutler amendment lost with 17 ayes, 20 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

FA343

Amend AM2736

P. 5, line 2, put a semicolon after "pens" and strike remaining language through "vegetation" in line 3.

The Chambers amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senators Hilgert and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 38 ayes, 3 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 936A. Title read. Considered.

Senators Bruning, Coordsen, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 36 ayes, 2 nays, 5 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT Natural Resources

LEGISLATIVE BILL 1381. Placed on General File as amended.

Standing Committee amendment to LB 1381:

AM3026

- 1 1. Strike original section 3 and insert the following
- 2 new sections:
- 3 "Sec. 3. (1) The Niobrara Council is created. The
- 4 council membership shall include:
- 5 (a) A representative of each of the county boards of
- 6 Brown, Cherry, Keya Paha, and Rock counties chosen by the county
- 7 board of the respective county;
- 8 (b) A representative of the Middle Niobrara Natural
- 9 Resources District and the Lower Niobrara Natural Resources
- 10 District chosen by the board of the respective district;
- 11 (c) The secretary of the Game and Parks Commission or his
- 12 or her designee;
- 13 (d) A representative of the United States Fish and
- 14 Wildlife Service and a representative of the National Parks Service
- 15 chosen by the Governor from lists of at least three individuals, or
- 16 fewer if there are not at least three qualified individuals,
- 17 submitted by the federal services;
- 18 (e) An individual from each of Brown, Cherry, Keya Paha,
- 19 and Rock counties who resides in the Niobrara River drainage area
- 20 and owns land in the Niobrara scenic river corridor chosen by the
- 21 Governor from a list of at least three individuals, or fewer if
- 22 there are not at least three qualified individuals, from each
- 23 county submitted by the county board representatives on the
- 24 council;
- 1 (f) A representative from a recreational business
- 2 operating within the Niobrara scenic river corridor chosen by the
- 3 Governor from a list of at least three individuals, or fewer if
- 4 there are not at least three qualified individuals, submitted by
- 5 the county board representatives on the council;
- 6 (g) A timber industry representative operating within the
- 7 Niobrara scenic river corridor chosen by the Governor from a list
- 8 of at least three individuals, or fewer if there are not at least
- 9 three qualified individuals, submitted by the county board
- 10 representatives on the council; and
- 11 (h) A representative of a recognized, nonprofit,
- 12 environmental, conservation or wildlife organization chosen by the
- 13 Governor from a list of at least three individuals, or fewer if

14 there are not at least three qualified individuals, submitted by
15 the county board representatives on the council.

16 The council members shall be selected within ninety days
17 after the effective date of this act. The council members shall
18 hold office for three-year terms and until a successor is appointed
19 and qualified. The council members shall serve at the pleasure of
20 the appointing board or the Governor.

21 (2) The council shall elect a chairperson, a
22 vice-chairperson, a secretary, and a treasurer who shall jointly
23 serve as the executive committee for the council. The council
24 shall meet on a regular basis, preferably once a month, with a
25 minimum of six meetings per year. Special meetings may be called
26 by any member of the executive committee or at the request of a
27 simple majority of the members of the council.

1 (3) A majority of the council members shall be present at
2 a meeting before any action may be taken by the council. The
3 majority shall be determined from the number of council members who
4 are selected and are serving rather than the number of possible
5 members. All actions of the council require a majority vote of all
6 council members present at any meeting, except that any vote to
7 reject any zoning regulation or variance under section 6 of this
8 act shall be by two-thirds of all the council members selected and
9 servng. A council member may not participate or vote on any
10 matter on which he or she participated or voted on as a member of a
11 county board, county planning commission, or natural resources
12 district board, and in such a case such council member shall not be
13 counted for purposes of determining whether quorum or vote
14 requirements have been satisfied.

15 (4) Members shall be reimbursed for actual and necessary
16 expenses incurred in carrying out their duties on the council as
17 provided in sections 81-1174 to 81-1177.

18 Sec. 8. The Niobrara Council shall not have zoning
19 jurisdiction outside the boundaries of the Niobrara scenic river
20 corridor.

21 Sec. 13. If any section in this act or any part of any
22 section is declared invalid or unconstitutional, the declaration
23 shall not affect the validity or constitutionality of the remaining
24 portions."

25 2. On page 2, strike beginning with "as" in line 5
26 through "authority" in line 6 and insert "with the express
27 authority and responsibility"; in lines 8 and 14 strike "Z" and
1 insert "8"; and in line 17 before the last period insert "and
2 described in the 1996 Niobrara National Scenic River General
3 Management Plan/Environmental Impact Statement".

4 3. On page 3, line 27, before "The" insert "The mission
5 of the Niobrara Council is to assist in all aspects of the
6 management of the Niobrara scenic river corridor since portions of
7 the Niobrara River have been designated as a national scenic river
8 under 16 U.S.C. 1274(a)(117), giving consideration and respect to

9 local and governmental input and private landowner rights, and to
 10 maintain and protect the integrity of the resources associated with
 11 the Niobrara scenic river corridor." and strike "Niobrara Council"
 12 and insert "council".

13 4. On page 4, line 2, strike "shall" and insert "may";
 14 and in line 7 strike "or trade such property" and insert ", accept
 15 gifts of, or trade real estate".

16 5. On page 6, line 23, and page 9, line 14, strike "5"
 17 and insert "6".

18 6. On page 6, line 20; page 9, line 13; page 11, line
 19 28; and page 13, line 7, strike "1" and insert "2".

20 7. Renumber the remaining sections accordingly.

(Signed) Edward J. Schrock, Chairperson

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1124A. Placed on Select File.

LEGISLATIVE BILL 1399A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Senator Schmitt filed the following amendment to LB 1234:
 AM2967

(Amendments to AM2762)

- 1 1. On page 1, line 17, strike "Each" and insert "Except
- 2 for marinas which offer motor fuel for sale, each".

Senators Bromm and Engel filed the following amendment to LB 1004:
 (Amendment, AM3018, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Kiel filed the following amendment to LB 1115:
 AM3043

- 1 1. Insert the following sections:
- 2 "Sec. 32. Section 71-1,187, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-1,187. Nothing in the Uniform Licensing Law shall be
- 5 construed to prevent or restrict:
- 6 (1) The practice of audiology or speech-language
- 7 pathology or the use of the official title of such practice by a
- 8 person employed as a speech-language pathologist or audiologist by
- 9 the federal government;
- 10 (2) A physician from engaging in the practice of medicine
- 11 and surgery or any individual from carrying out any properly
- 12 delegated responsibilities within the normal practice of medicine

13 and surgery under the supervision of a physician;
 14 (3) A person licensed as a hearing aid fitter and dealer
 15 in this state from engaging in the fitting, selling, and servicing
 16 of hearing aids or performing such other duties as defined in
 17 sections 71-4701 to 71-4719;

18 (4) The practice of audiology or speech-language
 19 pathology or the use of the official title of such practice by a
 20 person who holds a valid and current credential as a speech or
 21 hearing specialist issued by the State Department of Education, if
 22 such person performs speech-language pathology or audiology
 23 services solely as a part of his or her duties within an agency,
 24 institution, or organization for which no fee is paid directly or
 1 indirectly by the recipient of such service and under the
 2 jurisdiction of the State Department of Education, but such person
 3 may elect to be within the jurisdiction of sections 71-1,186 to
 4 71-1,196; or

5 (5) The clinical practice in audiology or speech-language
 6 pathology required for students enrolled in an accredited college
 7 or university pursuing a major in audiology or speech-language
 8 pathology, if such clinical practices are supervised by a person
 9 licensed to practice audiology or speech-language pathology and if
 10 the student is designated by a title such as trainee or other title
 11 clearly indicating the training status; or

12 ~~(6) The activities and services of persons fulfilling the~~
 13 ~~supervised clinical experience requirements of section 71-1,190,~~
 14 ~~which activities and services shall be performed by persons under~~
 15 ~~the supervision of a person licensed in the area in which the~~
 16 ~~individual is practicing.~~

17 Sec. 33. Section 71-1,194, Reissue Revised Statutes of
 18 Nebraska, is amended to read:
 19 71-1,194. A temporary license to practice audiology or
 20 speech-language pathology may be granted to persons who establish
 21 residence in Nebraska and (1) who meet all the requirements for a
 22 license except passage of the examination required by section
 23 71-1,190, which - Such temporary license shall be valid only until
 24 the date on which the results of the next licensure examination are
 25 available to the department; and it may and shall not be renewed,
 26 or (2) who meet all the requirements for a license except
 27 completion of the professional experience required by section
 1 71-1,190, which temporary license shall be valid only until the
 2 sooner of completion of such professional experience or eighteen
 3 months and shall not be renewed. The department shall establish
 4 and collect a fee of not less than ten dollars nor more than fifty
 5 dollars for issuance of the temporary license. The department
 6 shall have has the power to deny, revoke, limit, suspend, or
 7 otherwise discipline a temporary license to practice audiology or
 8 speech-language pathology upon the grounds and in accordance with
 9 the Uniform Licensing Law."

10 2. Renumber the remaining sections, correct internal

11 references, and correct the repealer accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 972A. 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 972, Ninety-sixth Legislature, Second Session, 2000.

GENERAL FILE

LEGISLATIVE BILL 1222. Title read. Considered.

Senator Chambers moved to bracket LB 1222 until April 10, 2000.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

EASE

The Legislature was at ease from 4:44 p.m. until 4:47 p.m.

GENERAL FILE

LEGISLATIVE BILL 1222. The Chambers pending motion, found in this day's Journal, to bracket until April 10, 2000, was renewed.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his motion to bracket.

Senator Vrtiska requested to pass over LB 1222.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 171, 628, 953, 1092, and 1092A.

Enrollment and Review Change to LB 171

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

ER9142

1. Because of the adoption of the Beutler amendment, AM2906, in the Standing Committee amendments, AM2103, on page 1, line 16, "all of the" has been struck.

Enrollment and Review Change to LB 628

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

ER9139

1. On page 1, the matter beginning with "public" in line 1 through line 5 and all amendments thereto have been struck and "records; to amend sections 84-712, 84-712.01, 84-712.03, and 86-1701, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of copies of public records; to change provisions relating to public records and digital signatures; to provide for electronic signatures; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 953

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

ER9141

1. Because of the adoption of the Hilgert amendment, FA339, in the Hilgert amendment, AM2957:

a. Section 14 has been renumbered as section 1;

b. Sections 24, 27, 28, and 30 have been struck; and

c. On page 30, the matter beginning with "22" in line 26 through "23" in line 27 has been struck and "23," inserted.

2. On page 1, line 4, "section" has been struck and "sections 48-604 and" inserted; and in line 5 "to redefine a term;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1092

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

ER9140

1. In the E & R amendments, AM7225, on page 3, line 8, "2" has been struck and "(2)" inserted.

(Signed) Adrian M. Smith, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 350. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

PURPOSE: To study the Lottery Division of the Department of Revenue and the State Lottery Act. The study shall examine:

1. The basic structure of the division and how it is managed;
2. Whether the administration of the State Lottery Act should be under the direct supervision of the State of Nebraska or if it should be under the governance of a more independent entity, such as a board or commission;
3. Whether any changes should be made regarding lottery sales or promotions; and
4. 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, SECOND 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.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 936:
AM3031

(Amendments to AM2911)

- 1 1. On page 2, line 16, after "(iii)" insert "(A) for a
- 2 county or counties with a labor force greater than three
- 3 thousand,"; and in line 19 after "number" insert "or (B) for a
- 4 county or counties with a labor force of three thousand or less,
- 5 the investment in qualified property of at least fifty thousand
- 6 dollars times one-half of one percent of the labor force in the
- 7 county or counties in which the project will be located rounded to
- 8 the nearest whole number".

Senators Stuhr and Bohlke filed the following amendment to LB 495:
AM3032

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 13 of this act shall be known
- 4 and may be cited as the Education and Career Preparation Act.
- 5 Sec. 2. The Legislature finds that technology is
- 6 changing the educational and training needs of employees. These
- 7 changes are found in all areas of employment and are directly

8 related to Nebraska remaining competitive in a global economy.
9 These changes also raise employer expectations of prospective
10 employees from all education levels, including those with a
11 baccalaureate degree. Education and career preparation are
12 critical because students must possess academic, communication, and
13 technological skills needed for employment and continued lifelong
14 learning. Therefor, there is an urgent need for quality career
15 preparation and technical education programs in the secondary
16 schools of Nebraska in order to assist students in:

- 17 (1) Acquiring the knowledge and skills necessary for
18 successful entry into a career preparation program at a
19 postsecondary educational institution or into employment;
- 20 (2) Developing skills to balance the dimensions of work,
21 family, and community;
- 22 (3) Gaining exposure to a wide variety of careers; and
- 23 (4) Gaining experience in career paths through supervised
24 work-based experience.

1 Sec. 3. The purpose of the Education and Career

2 Preparation Act is to focus on the academic, technical, and
3 employment skills necessary for success in a career through career
4 preparation and technical education programs such as agricultural
5 education, business education, career guidance and counseling,
6 family and consumer sciences, industrial technology education,
7 marketing education, health occupations education, and diversified
8 occupations.

9 Sec. 4. (1) The Education and Career Preparation Fund is
10 hereby created. For school fiscal year 2000-01, it is the intent
11 of the Legislature to appropriate funds to be distributed as
12 competitive grants to school districts and consortia of school
13 districts by the State Board of Vocational Education pursuant to
14 subsections (2) and (3) of this section on or before December 15,
15 2000. It is the intent of the Legislature to appropriate one
16 million five hundred thousand dollars for school fiscal year
17 2000-01 to the fund. The fund shall be allocated in the following
18 manner:

19 (a) Up to forty percent to grant recipients who are
20 requesting a grant for the purposes of buying equipment related to
21 career preparation and technical education;

22 (b) Up to thirty percent to grant recipients who are
23 requesting a grant for the purposes of buying career preparation
24 and technical education curriculum materials or skills assessments;
25 and

26 (c) Up to thirty percent to grant recipients who are
27 requesting a grant for the purposes of innovative career
1 preparation and technical educational programs, such as
2 articulation programs with postsecondary education or improved
3 career guidance and counseling programs.

4 (2) To apply for a grant, each school district or
5 consortium of school districts shall complete a grant application

6 and provide a curriculum support plan and a grant-matching plan.
7 The application and plans shall be signed by the school
8 administrator and returned to the State Department of Education on
9 or before October 1, 2000. The curriculum support plan shall:
10 Identify the goals and needs that will be supported by the grant;
11 how the goals and needs are directly related to the school
12 improvement plan or plans of the school district or the school
13 districts in the consortium; and how the grant will be used to
14 directly advance the goals and needs identified. The
15 grant-matching plan shall show how the school districts or
16 consortium of school districts will match the grant one-hundred
17 percent, by means of: School district funds; community partnership
18 gifts, donations, money, and services, including in-kind resources
19 and volunteer time; or individual gifts, donations, money, and
20 services, including in-kind resources and volunteer time. The
21 estimated value of in-kind resources and volunteer time shall be
22 used in calculating the amount of the applicant's matching funds.
23 If the school district or consortium of school districts does not
24 match the full amount of the grant within one year after receiving
25 the grant, such school district or consortium of districts shall
26 return the unmatched amount of the grant to the department. If the
27 school district or consortium of school districts fails to return
1 the unmatched grant amount within one year and six months after
2 receiving the grant, state aid shall be withheld from each school
3 district involved such that the total amount withheld from the
4 school district or each school district in a consortium is equal to
5 the unmatched grant amount.

6 (3) A school district or consortium of school districts
7 shall only receive one grant. Each grant shall not exceed fifty
8 thousand dollars. The grants to be awarded shall be selected by
9 the State Board of Vocational Education after recommendations are
10 received from the advisory committee pursuant to section 5 of this
11 act.

12 Sec. 5. (1) Within thirty days after the effective date
13 of this act, the Governor shall appoint an advisory committee to
14 provide recommendations to the State Board of Vocational Education
15 for the awarding of grants. The membership of the advisory
16 committee shall consist of:

17 (a) The program manager for vocational education of the
18 State Department of Education;
19 (b) One representative from business;
20 (c) One representative of labor;
21 (d) One school administrator;
22 (e) One teacher currently involved in career preparation
23 and technical education programs;
24 (f) One teacher who is a member of an association for
25 career and technical education teachers; and
26 (g) The executive director of the Nebraska Community
27 College Association or his or her designee.

1 The program manager for vocational education shall be the
2 chairperson of the advisory committee and shall arrange for the
3 initial and subsequent meetings. Committee members shall be
4 reimbursed for their actual and necessary expenses as provided in
5 sections 81-1174 to 81-1177. Committee members that have a
6 conflict of interest as delineated in section 49-1499 or as
7 perceived by the member shall abstain from participating in the
8 recommendation of a particular grant. The recommendations may be
9 to award a designated portion or the full amount of any grant
10 request up to fifty thousand dollars. The recommendations must be
11 given to the State Board of Vocational Education on or before
12 November 15, 2000. The advisory committee terminates on December
13 31, 2000.

14 Sec. 6. The State Department of Education shall develop
15 applications for the grants and distribute such applications on or
16 before August 1, 2000.

17 Sec. 7. The State Board of Vocational Education shall
18 adopt and promulgate rules and regulations to establish monitoring
19 procedures for determining the results of sections 1 through 5 of
20 this act.

21 Sec. 8. The Education and Career Preparation Task Force
22 is created. The task force shall consist of the members appointed
23 pursuant to section 9 of this act. The task force shall report its
24 findings and recommendations to the Clerk of the Legislature and
25 the Education Committee of the Legislature on or before October 1,
26 2000.

27 Sec. 9. Members of the Education and Career Preparation
1 Task Force shall be appointed by the Executive Board of the
2 Legislative Council on or before April 15, 2000, and shall include:

3 (1) One member of the Education Committee of the
4 Legislature;

5 (2) One member of the Business and Labor Committee of the
6 Legislature;

7 (3) The Commissioner of Education or his or her designee;

8 (4) One representative from the Governor's Policy
9 Research Office;

10 (5) One secondary teacher involved in career preparation
11 and technical education programs;

12 (6) One teacher who is a member of an association for
13 career preparation and technical education teachers;

14 (7) One representative from business;

15 (8) One representative from labor;

16 (9) The program manager for vocational education at the
17 State Department of Education;

18 (10) One representative from the State Department of
19 Education who works with student organizations in the area of
20 career preparation and technical education;

21 (11) One high school student leader involved in student
22 organizations in the area of career preparation and technical

23 education;

24 (12) One representative of an association of school

25 boards;

26 (13) One taxpayer from a Class II or III school district;

27 (14) One representative of an association of school
1 administrators;

2 (15) One taxpayer from a Class IV or V school district;

3 (16) One representative from a community college who is

4 involved in career preparation and technical training; and

5 (17) One representative of a career preparation and

6 technical education teacher education program.

7 Members of the task force shall be reimbursed for their actual and
8 necessary expenses incurred in carrying out their duties as members

9 of the task force as provided in sections 81-1174 to 81-1177. The

10 Education Committee member shall be the chairperson of the task

11 force and shall arrange for the initial and subsequent meetings.

12 The Education Committee of the Legislature, other legislative

13 staff, and the State Department of Education shall provide research

14 and administrative support for the task force. The task force may

15 retain a national consultant to assist with the study.

16 Sec. 10. The Education and Career Preparation Task Force

17 shall study the following topics and make recommendations for

18 Nebraska policies and potential legislation to the Clerk of the

19 Legislature and the Education Committee of the Legislature:

20 (1) The purpose, role, and mission of career preparation

21 and technical education programs;

22 (2) The prevalence of and need for career preparation and

23 technical education programs at both the middle school and high

24 school levels;

25 (3) The funding for career preparation and technical

26 education programs, curriculum, and equipment at both the middle

27 school and high school levels;

1 (4) The availability of teachers of career preparation

2 and technical education and the status of career preparation and

3 technical teacher education programs;

4 (5) The need for career preparation and technical

5 education articulation programs in high schools and postsecondary

6 educational institutions;

7 (6) The feasibility of operating different delivery

8 systems for career preparation and technical education programs,

9 including a career preparation and technical high school or

10 schools; and

11 (7) Any other topics related to career preparation and

12 technical education as determined by the task force.

13 Sec. 11. The Education Committee of the Legislature

14 shall hold at least one public hearing in each congressional

15 district in Nebraska on the recommendations of the Education and

16 Career Preparation Task Force before December 31, 2000.

17 Sec. 12. The Education and Career Preparation Task Force

18 terminates on December 31, 2000.
 19 Sec. 13. Since an emergency exists, this act takes
 20 effect when passed and approved according to law."

Senators Schimek, Bohlke, Thompson, and Suttle filed the following amendment to LB 1399:

AM3041

(Amendments to E & R amendments, AM7237)

- 1 1. Insert the following new section:
- 2 "Sec. 24. The Nebraska Volunteer Services Commission
- 3 shall submit a program proposal to the Corporation for National
- 4 Service to obtain funding for educational awards. The awards shall
- 5 be used by the commission to (1) provide incentives for new college
- 6 graduates to establish their teaching careers in Nebraska and (2)
- 7 provide incentives for experienced Nebraska teachers to pursue
- 8 graduate degrees. It is the intent of the Legislature that the
- 9 State Department of Education shall provide state funding to the
- 10 Nebraska Volunteer Services Commission to contract for a program
- 11 officer position for the Teacher Corps AmeriCorps Education Award
- 12 Program if the Corporation for National Service commits to funding
- 13 such program in Nebraska. State funding provided by the State
- 14 Department of Education shall be used by the Nebraska Volunteer
- 15 Services Commission to contract for a program officer position to
- 16 meet the required monitoring and compliance responsibilities of the
- 17 program."
- 18 2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 812. Title read. Considered.

The Standing Committee amendment, AM0879, found on page 1107, First Session, 1999, was considered.

Senator Bohlke withdrew her amendment, AM1760, found on page 2048, First Session, 1999.

Senator Bohlke withdrew her amendment, AM2015, found on page 211.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bohlke renewed her pending amendment, AM2784, found on page 1031, to the Standing Committee amendment.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

Senator Schimek moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

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

The Bohlke amendment was adopted with 40 ayes, 1 nay, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 2 nays, 3 present and not voting, and 7 excused and not voting.

Senators Bohlke and Stuhr withdrew their amendment, AM2714, found on page 957.

Senator Beutler renewed his pending amendment, AM2892, found on page 1157.

Pending.

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 968:
AM2896

(Amendments to Standing Committee amendments, AM2432)

- 1 1. Insert the following new section:
- 2 "Sec. 57. All transactions of real property for which
- 3 the statement required in section 76-214 is filed shall be
- 4 available for development of a sales file for analysis of level of
- 5 value and quality of assessment for purposes of section 77-5027 and
- 6 for use by assessing officials in establishing assessed valuations.
- 7 All transactions with stated consideration of more than one hundred
- 8 dollars or upon which more than one dollar and seventy-five cents
- 9 in documentary stamp taxes are paid shall be considered sales. All
- 10 sales shall be deemed to be arm's length transactions unless
- 11 determined to be otherwise. The Department of Property Assessment
- 12 and Taxation shall not overturn a determination made by a county
- 13 assessor regarding the qualification of a sale unless the
- 14 department reviews the sale and determines through the review that
- 15 the determination made by the county assessor is incorrect."
- 16 2. Correct the operative date section so that the
- 17 section added by this amendment becomes operative on its effective
- 18 date with the emergency clause.
- 19 3. Renumber the remaining sections accordingly.

Senators Bromm, Kristensen, and Landis filed the following amendment to LB 1285:

(Amendment, AM2986, 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 Sarah Harrold, Matt Holloway, and Jordan Wilcox from Platteview High School; 100 high school students and teacher from Gretna; 30 students and teacher from Bellevue West High School; Harvey and Joyce Soderholm from Lincoln and Barry and Marcie Wyatt from Melbourne, Australia; and 21 fourth grade students and teacher from Pleasanton Public School.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 6:34 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, March 24, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 24, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 24, 2000

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Bromm, Kiel, Landis, Raikes, Redfield, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 23, 2000, 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

Bohrer, Bruce - Lincoln; Lincoln Chamber of Commerce
Markley III, George Glenn - Omaha; George Glenn Markley III
Webb, Curren - Omaha; Nebraska Christian Coalition

UNANIMOUS CONSENT - Member Excused

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointments

Senator Bohlke moved the adoption of the report of the Education Committee for the following appointments found on page 1214: Coordinating Commission for Postsecondary Education - Dick Davis, Dr. Helen Morten, and Debra Fischer.

Voting in the affirmative, 35:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Chambers	Coordsen
Crosby	Dickey	Dierks	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Tyson	Wehrbein

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Connealy	Cudaback	Kristensen	Robak
Thompson	Vrtiska	Wickersham		

Excused and not voting, 6:

Bromm	Engel	Kiel	Landis	Raikes
Redfield				

The appointments were confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

MOTION - Return LB 480A to Select File

Senator Schimek moved to return LB 480A to Select File for her specific amendment, AM2227, found on page 510.

The Schimek motion to return prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 480A. The Schimek specific amendment, AM2227, found on page 510, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 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 1448. 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, 46:

- | | | | | |
|------------|----------|----------|---------------|--------------|
| Aguilar | Baker | Beutler | Bohlke | Bourne |
| Brashear | Brown | Bruning | Byars | Chambers |
| Connealy | Coordsen | Crosby | Cudaback | Dickey |
| Dierks | Hartnett | Hilgert | Hudkins | Janssen |
| Jensen | Jones | Kiel | Kremer | Kristensen |
| Landis | Lynch | Matzke | Pedersen, Dw. | Pederson, D. |
| Preister | Price | Quandahl | Raikes | Robak |
| Schimek | Schmitt | Schrock | Smith | Stuhr |
| Suttle | Thompson | Tyson | Vrtiska | Wehrbein |
| Wickersham | | | | |

Voting in the negative, 0.

Excused and not voting, 3:

- | | | |
|-------|-------|----------|
| Bromm | Engel | Redfield |
|-------|-------|----------|

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 1214. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 84-612, Reissue Revised Statutes of Nebraska, and section 77-5304, Revised Statutes Supplement, 1999; to change provisions relating to transfers of funds and the Relief to Property Taxpayers Act; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal section 79-1072.04, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Bromm Engel Redfield

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 1214A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 881A, section 2; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1214, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Bromm Engel

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 1215. With Emergency.

A BILL FOR AN ACT relating to health care; to amend section 71-7610, Revised Statutes Supplement, 1998; to provide for the use of certain funds for the medical assistance program as prescribed; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 2:

Bromm Engel

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 1216 with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1216. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 13-2305, 68-601 to 68-605, 68-608, 68-610, 68-612, 68-613, 68-620, 68-622, 68-631, 72-815, 81-1108.03, 81-1108.05, 81-1108.15, 81-1110.02, 81-1110.04, and 81-1117.01, Reissue Revised Statutes of Nebraska, sections 68-621 and 72-816, Revised Statutes Supplement, 1999, and Laws 1999, LB 873, sections 1, 3, 4, and 5; to provide for transfers of funds; to create funds; to rename funds; to change provisions relating to the uses of various funds; to harmonize provisions; to change transfer provisions; to provide and change termination dates; to change and eliminate powers and duties of the Department of Administrative Services and State Treasurer; to repeal the original sections; to outright repeal sections 68-614, 68-615, 68-617, and 68-618, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bromm Engel

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 1217 with 40 ayes, 5 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1217. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 90A, section 1; Laws 1999, LB 131A, section 1; Laws 1999, LB 144, section 1; Laws 1999, LB 637A, section 2; Laws 1999, LB 664, sections 1 and 2; Laws 1999, LB 878, sections 30, 38, 39, 43, 45, 51, 56, and 60; and Laws 1999, LB 880, sections 7, 8, 14, 17, 20, 26, 27, 32, 56, 77, 90 to 95, 102, 103, 104, 109, 123, 149, 151, 152, 157, 159, 160, 191, 204, 208, 211, 221, 235, 237, 238, 242, 243, 244, 250, 262, 264, and 267; 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 provide for a task force; 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, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 4:

Dierks	Jones	Redfield	Robak
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Present and not voting, 1:

Brashear

Excused and not voting, 2:

Bromm Engel

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 1328. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Educational Telecommunications Commission; to amend section 79-1316, Revised Statutes Supplement, 1998; to change provisions relating to powers and duties; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Tyson

Excused and not voting, 2:

Bromm Engel

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 1349 to Select File

Senator Lynch moved to return LB 1349 to Select File for the following specific amendment:

FA344

Strike the enacting clause.

Senator Lynch withdrew his motion to return.

Speaker Kristensen ordered the removal of LB 1349 from the agenda.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1369.

A BILL FOR AN ACT relating to oil and gas severance tax; to amend section 57-705, Reissue Revised Statutes of Nebraska; to change provisions relating to the Severance Tax Fund; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Schimek Tyson

Excused and not voting, 2:

Bromm Engel

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

LEGISLATIVE BILL 1379.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Minority Scholarship Program Act; to eliminate provisions relating to a scholarship program; and to outright repeal section 85-1,125, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 2:

Bromm Engel

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: LBs 1448, 1214, 1214A, 1215, 1216, 1217, and 1328.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1379A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1379, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 2:

Bromm Engel

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 1427.

A BILL FOR AN ACT relating to the Nebraska Health Care Trust Fund Act; to amend sections 71-6050, 71-7606, 71-7607, and 71-7609 to 71-7611, Revised Statutes Supplement, 1998, and sections 71-7605, 71-7606.01, 71-7608, and 71-7614, Revised Statutes Supplement, 1999; to change the name of the act; to state intent; to eliminate a statement of findings; to rename funds and a council; to change and eliminate provisions relating to funding and using certain funds and membership on a council; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-7612, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy

Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Chambers Tyson

Excused and not voting, 2:

Bromm Engel

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

LEGISLATIVE BILL 1427A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1427, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Cudaback Tyson

Excused and not voting, 2:

Bromm Engel

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 213 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 213. With Emergency.

A BILL FOR AN ACT relating to livestock; to amend sections 54-170, 54-198, 54-199, 54-1,110, 54-1,111, 54-1,115, 54-1,119, 54-1,121, 54-1185, and 54-2014, Revised Statutes Supplement, 1999; to provide for registration of dairies; to change brand provisions; to provide a penalty; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 2:

Bromm Engel

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 929 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 929.

A BILL FOR AN ACT relating to commercial transactions; to amend section 33-101, Reissue Revised Statutes of Nebraska, and sections 1-105, 9-102, 9-104, 9-210, 9-311, 9-317, 9-323, 9-331, 9-334, 9-336, 9-406, 9-407, 9-408, 9-409, 9-504, 9-509, 9-513, 9-608, 9-613, 9-615, 9-625, 9-702, 9-705, 9-707, 9-708, and 9-709, Uniform Commercial Code; to adopt the Uniform Electronic Transactions Act and the Nebraska Governmental Unit Security Interest Act; to provide fees for searching records as prescribed; to change provisions relating to secured transactions; to provide safe harbor provisions for certain continuation statements as prescribed; to change provisions relating to financing statements; to provide operative dates; 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, 46:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Bromm Engel

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 1085. With Emergency.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend section 29-3931, Revised Statutes Supplement, 1998, and sections 49-506 and 49-617, Revised Statutes Supplement, 1999; to change provisions relating to the cost of defense; to provide for distribution of session laws, the legislative journal, and statutes as prescribed; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Smith

Excused and not voting, 2:

Bromm Engel

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 1135 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1135.

A BILL FOR AN ACT relating to state government; to amend sections 10-127, 39-1110, 39-2201, 71-1,313, 71-6803, 71-6806, 71-6807, 71-6810, 71-6819, 71-6830, 81-819, 81-1609, 81-1611, 81-1612, 81-1616, 85-167, 85-169, 85-170, and 85-171, Reissue Revised Statutes of Nebraska, sections 2-5103, 66-4,144, and 71-1,329, Revised Statutes Supplement, 1998, and sections 18-2147.01, 43-2505, 43-2620, 71-1,144.01, 71-1,144.04, 71-1917, and 79-1110, Revised Statutes Supplement, 1999; to eliminate certain boards, commissions, committees, and councils and a task force; to create a council; to provide and change powers and duties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 9-1,102, 39-2202, 39-2220, 43-2506, 43-2611 to 43-2614, 71-1,144.02, 71-6804, 71-6829, 72-720, 72-721, 72-722, 77-5101, 77-5103, 77-5104, 79-1502, 81-818, 81-820, 81-821, 81-822, 81-823, 81-1610, 85-166, and 90-405, Reissue Revised Statutes of Nebraska, sections 2-5104, 2-5105, 68-1037.06, 71-5054, 77-5102, 77-5105, and 79-1183.01, Revised Statutes Supplement, 1998, and sections 43-2610 and 43-2615, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bromm Engel

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 1197. With Emergency.

A BILL FOR AN ACT relating to trustees; to provide for a certification of trust; and to declare an emergency.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Bromm Engel

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 1436. With Emergency.

A BILL FOR AN ACT relating to tobacco; to amend sections 71-7608 and 71-7614, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Health Care Trust Fund Act; to establish the Teen Tobacco Education and Prevention Project; to create a committee and a fund; to provide and change 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, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks

Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kristensen

Excused and not voting, 2:

Bromm Engel

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 1436A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1436, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bruning	Byars	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Brown Chambers

Excused and not voting, 2:

Bromm Engel

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 1253 to Select File

Senator Landis moved to return LB 1253 to Select File for his specific amendment, AM3005, found on page 1215.

The Landis motion to return prevailed with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1253. The Landis specific amendment, AM3005, found on page 1215, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 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: LBs 1369, 1379, 1379A, 1427, 1427A, 213, 929, 1085, 1135, 1197, 1436, and 1436A.

MOTION - Return LB 1352 to Select File

Senator Brashear moved to return LB 1352 to Select File for the following specific amendment:
AM3064

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 4. The following section is outright repealed:
- 3 Section 68-1047, Reissue Revised Statutes of Nebraska."
- 4 2. Renumber the remaining section accordingly.
- 5 3. On page 1, line 4, after the second semicolon insert
- 6 "to eliminate provisions relating to trusts;" and in line 5 after
- 7 the semicolon insert "to outright repeal section 68-1047, Reissue
- 8 Revised Statutes of Nebraska;"

The Brashear motion to return prevailed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1352. The Brashear specific amendment, AM3064, found in this day's Journal, was adopted with 41 ayes, 0 nays, 6 present and

not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 300. Read. Considered.

LR 300 was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 304. Read. Considered.

LR 304 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

MOTION - Suspend Rules

Senator Schimek moved to suspend the rules, Rule 3, Sec. 13, to permit cancellation of public hearing by the Government, Military and Veterans Affairs Committee.

The Schimek motion to suspend the rules prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING Government, Military and Veterans Affairs

Monday, March 27, 2000 (cancel)
Accountability and Disclosure Commission
Frank Hayes

1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

MESSAGE FROM THE GOVERNOR

March 23, 2000

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Frank Hayes' name from the confirmation hearing for the Accountability & Disclosure Commission scheduled for Monday, March 27, 2000 at the Government, Military & Veterans Affairs hearing due to his resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 973:
AM3053

(Amendments to E & R amendments, AM7244)

- 1 1. Insert the following new section:
- 2 "Sec. 10. This act becomes operative on August 1,
- 3 2000."
- 4 2. Renumber the remaining section accordingly.

Senator Landis filed the following amendment to LB 932:
(Amendment, AM2848, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Beutler filed the following amendment to LB 1348:
AM3060

(Amendments to E & R amendments, AM7233)

- 1 1. On page 2, line 12; page 3, line 4; page 5, lines 3,
- 2 14, and 24; and page 6, line 5; strike "Agriculture" and insert
- 3 "Economic Development".

RESOLUTION

LEGISLATIVE RESOLUTION 351. Introduced by Byars, 30.

PURPOSE: To examine alternative options for increased availability of centers for independent living (CIL's) for members of the disability community. Previous legislation has failed to offer enough options for these valuable services across Nebraska. The study shall:

- (1) Examine the possibility of state funding for new CIL's;
- (2) Examine the possibility of funding from government being distributed through the Department of Health and Human Services for CIL's;
- (3) State support for the maintenance and repair of existing CIL's;
- (4) Examine alternative methods to hire and retain aides. Currently, aides are classified as independent contractors, with no insurance protections;
- (5) Examine the possibility of hiring aides as employees of the state;
- (6) Examine the risks posed by the current shortage of aides; and
- (7) Examine the current labor market and its projected effects on availability of aides.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 2000, at 10:25 a.m., were the following: LBs 1448e, 1214e, 1214Ae, 1215e, 1216e, 1217e, and 1328e.

(Signed) Diana Bridges
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 414. E & R amendment, AM7224, printed separately and referred to on page 1037, was adopted.

Senator Beutler offered the following amendment:
AM2951

(Amendments to E & R amendments, AM7224)

- 1 1. On page 2, line 12, strike beginning with "the"
- 2 through the comma and insert "July 1, 2001, (1)"; and strike
- 3 beginning with the comma in line 14 through the comma in line 15
- 4 and insert "(2)".
- 5 2. On page 6, line 1, strike "1998-99" and insert
- 6 "2000-01"; strike beginning with "thirty-three" in line 5 through
- 7 "two-thirds" in line 6 and insert "fifty"; and in line 7 strike the
- 8 comma.

SPEAKER KRISTENSEN PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 414A. Senator Beutler offered the following amendment:

AM2998

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$147,134
- 4 from the General Fund for FY2000-01 and (2) \$3,663,789 from the
- 5 General Fund and \$122,845 from federal funds for FY2001-02 to the
- 6 Supreme Court, for Program 395, to aid in carrying out the
- 7 provisions of Legislative Bill 414, Ninety-sixth Legislature,

8 Second Session, 2000.

9 Total expenditures for permanent and temporary salaries
10 and per diems from funds appropriated in this section shall not
11 exceed \$59,342 for FY2000-01 or \$265,683 for FY2001-02.

12 Sec. 2. There is hereby appropriated \$73,750 from the
13 General Fund for FY2001-02 to the Auditor of Public Accounts, for
14 Program 506, to aid in carrying out the provisions of Legislative
15 Bill 414, Ninety-sixth Legislature, Second Session, 2000.

16 Total expenditures for permanent and temporary salaries
17 and per diems from funds appropriated in this section shall not
18 exceed \$45,820 for FY2001-02.".

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1399. E & R amendment, AM7237, printed separately and referred to on page 1154, was adopted.

Senator Schimek withdrew the Schimek et al. amendment, AM2777, found on page 1021.

Senator Thompson withdrew her amendment, AM2950, found on page 1205.

Senator Thompson offered the following amendment:
AM3040

(Amendments to E & R amendments, AM7237)

1 1. On page 5, line 15, strike "Each" and insert "In any
2 year for which an appropriation is made for the Master Teacher
3 program, each"; and strike beginning with "If" in line 17 through
4 "bonus" in line 18 and insert "If the number of teachers qualifying
5 for the bonus exceeds the number which the one million dollars
6 would fully fund at the five-thousand-dollar level".

7 2. On page 8, line 12, strike "a" and insert "an
8 eligible".

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

The Thompson amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek renewed the Schimek et al. pending amendment, AM3041, found on page 1263.

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek et al. amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1399A. Senator Bohlke offered the following amendment:

AM3039

- 1 1. Strike section 2.
- 2 2. Renumber the remaining sections accordingly.

The Bohlke amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Schimek offered the following amendment:

AM3044

- 1 1. Insert the following new section:
- 2 "Sec. 4. There is hereby appropriated (1) \$20,000 from
- 3 the General Fund for FY2000-01 and (2) \$20,000 from the General
- 4 Fund for FY2001-02 to the State Department of Education, for
- 5 Program 25, to aid in carrying out the provisions of Legislative
- 6 Bill 1399, Ninety-sixth Legislature, Second Session, 2000.
- 7 There is included in the appropriation to this program
- 8 for FY2000-01 \$20,000 General Funds to contract with the Nebraska
- 9 Volunteer Services Commission for the Teacher Corps AmeriCorps
- 10 Education Award Program, which shall only be used for such purpose.
- 11 There is included in the appropriation to this program for
- 12 FY2001-02 \$20,000 General Funds to contract with the Nebraska
- 13 Volunteer Services Commission for the Teacher Corps AmeriCorps
- 14 Education Award Program, which shall only be used for such purpose.
- 15 No expenditures for permanent and temporary salaries and
- 16 per diems for state employees shall be made from funds appropriated
- 17 in this section."
- 18 2. Renumber the remaining section accordingly.

The Schimek amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Bohlke offered the following amendment:

FA345

1. On page 2, line 1, delete "\$18,600" and insert "28,600".
2. On page 2, line 2, delete "\$11,400" and insert "21,400".

The Bohlke 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.

LEGISLATIVE BILL 1213. E & R amendment, AM7239, printed separately and referred to on page 1154, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 968. E & R amendment, AM7240, found on page 1154, was adopted.

Senator Coordsen asked unanimous consent to replace his pending amendment, AM2479, found on page 928, with a substitute amendment. No objections. So ordered.

Senator Wickersham renewed the substitute Wickersham et al. pending amendment, AM2984, printed separately and referred to on page 1205.

SENATOR CUDABACK PRESIDING

The Wickersham et al. amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Coordsen asked unanimous consent to replace his pending amendment, AM2834, found on page 1068, with a substitute amendment. No objections. So ordered.

Senator Coordsen withdrew his amendment, AM2834, found on page 1068.

Senator Coordsen renewed his substitute pending amendment, AM2896, found on page 1264.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham asked unanimous consent to replace his pending amendment, AM2836, printed separately and referred to on page 1101, with a substitute amendment. No objections. So ordered.

Senator Wickersham withdrew his amendment, AM2836, printed separately and referred to on page 1101.

Senator Coordsen renewed his substitute pending amendment, AM2479, found on page 928.

Senators Schmitt and Schrock asked unanimous consent to be excused. No objections. So ordered.

Senator Coordsen withdrew his amendment.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1119. Placed on Select File as amended.
(E & R amendment, AM7245, 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

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 2000, at 11:00 a.m., were the following: LBs 1369, 1379, 1379Ae, 1427, 1427A, 213e, 929, 1085e, 1135, 1197e, 1436e, and 1436Ae.

(Signed) Diana Bridges
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 969:
AM3069

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 60-6,279, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-6,279. (1) A person shall not operate or be a
- 5 passenger on a motorcycle or moped on any highway in this state
- 6 unless such person is wearing a protective helmet of the type and
- 7 design manufactured for use by operators of such vehicles and
- 8 unless such helmet is secured properly on his or her head with a
- 9 chin strap while the vehicle is in motion, except that a person who
- 10 holds a Class M operator's license and who is twenty-one years of
- 11 age or older shall not be required to wear such a helmet if the
- 12 person holds a certificate approved by the Department of Motor
- 13 Vehicles showing that he or she has successfully completed a
- 14 motorcycle safety course under the Motorcycle Safety Education Act
- 15 at least one year prior to the date in question.
- 16 All such protective helmets shall be designed to reduce

17 injuries to the user resulting from head impacts and shall be
 18 designed to protect the user by remaining on the user's head,
 19 deflecting blows, resisting penetration, and spreading the force of
 20 impact. Each such helmet shall consist of lining, padding, and
 21 chin strap and shall meet or exceed the standards established in
 22 the United States Department of Transportation's Federal Motor
 23 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
 24 helmets."

1 2. On page 15, line 24, strike "and" and insert a comma,

2 and after the last comma insert "and 60-6,279,".

3 3. Renumber the remaining section accordingly.

Senator Kiel filed the following amendment to LB 1348A:
 AM3015

1 1. Insert the following new section:

2 "Sec. 3. There is hereby appropriated (1) \$-0- from the
 3 General Fund for FY2000-01 and (2) \$50,000 from the General Fund
 4 for FY2001-02 to the Board of Regents of the University of Nebraska
 5 for the College of Architecture of the University of
 6 Nebraska-Lincoln for the Neighborhood Development Cash Fund.
 7 No expenditures for permanent and temporary salaries and
 8 per diems for state employees shall be made from funds appropriated
 9 in this section."

10 2. On page 2, lines 13 and 21, strike "\$875,000" and
 11 insert "\$825,000".

Senator Janssen filed the following amendment to LB 1304:
 AM3068

1 1. On page 3, strike beginning with the underscored
 2 period in line 2 through "fund" in line 4.

3 2. On page 5, line 26, after "States" insert ", 1994
 4 Revision, as of the operative date of this section".

RESOLUTIONS

LEGISLATIVE RESOLUTION 352. Introduced by Kremer, 34.

PURPOSE: To study the issues raised by Legislative Bill 1297, Ninety-sixth Legislature, Second Session, including:

(1) What the powers of the Nebraska Power Review Board are with respect to holding hearings on matters under its statutory jurisdiction;

(2) Whether municipalities that own electric systems should receive notice of any applications, agreements, amendments, or modifications filed with the Nebraska Power Review Board that affect any customer or potential customer within the corporate limits of the municipality or within any area associated with the electric system;

(3) Whether the Nebraska Power Review Board should be authorized to hold a hearing, at the request of the governing body of any municipality that owns an electric system served by a supplier of electricity other than the

municipality or a franchisee of the municipality, on any matter affecting the supply of electricity to any customer or potential customer within the corporate limits of the municipality or within any area associated with the electric system; and

(4) Whether any other changes should be made in the powers and duties of the Nebraska Power Review Board or other statutes to address the concerns that arise when power suppliers to whom municipalities lease their electric systems make changes that affect the systems of the municipalities without involving such municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 353. Introduced by Jensen, 20; Landis, 46.

PURPOSE: The purpose of this study is to examine issues relating to the cost of prescription drugs under the state Medicare program and the state medical assistance program.

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

1. That the Health and Human Services Committee and the Banking, Commerce and Insurance 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 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 354. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study the implementation of the federal medicaid substance abuse and alcoholism option and the necessary waivers and the adequacy of other mental health services available under medicaid.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 355. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study health plan grievance systems and managed care consumer protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 356. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study the regulation of child care centers. The study should include an examination of all requirements for child care centers, including staff training and wages, and an examination of the requirements from the perspective of the needs of the children who are cared for by child care centers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 357. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study childhood immunizations and vaccines. The study should include a review of current required immunizations and vaccines and exemptions from those requirements and a review of the educational and public relations efforts to notify parents of the need for immunizations and vaccines and the effectiveness of such efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 358. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study early education. The study should include a review of the availability of early education programs, the funding for such programs, and participation of public school systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 359. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study the penalties for trespassing on the property of public schools in this state. The study should include a review of these laws from a safety perspective, as well as the need for protecting the privacy of students and the need to eliminate disruptions in school activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 360. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study how state and local sales taxes are collected on motor vehicles sold by an owner compared to how state and local sales taxes are collected on motor vehicles sold by a dealer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 361. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study the extent to which health insurance policies cover prescription contraceptives. The study should include a review of legislation adopted in other states requiring health insurance coverage for such prescriptions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 362. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study section 43-801 relating to parental liability. The study should examine the limits on liability in this section, including an examination of the difference in liability limits made in section 43-801 between property destruction and personal injury and the reasons for the distinctions. The study should include an examination of the question of whether parents can or should be held responsible for the actions of their children and an examination of determining adequate compensation for injuries caused by a minor and who should pay.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 363. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study quality control in nursing homes, assisted living units, Alzheimer's special care units, and other special care units. The study should include a review of the statutory, regulatory, and training requirements for staff in such facilities and review whether the requirements are adequate to meet the health care needs of the residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 364. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study end-of-life health care, including pain management and symptom management issues, financing and delivery of such services, and other related issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 365. Introduced by Suttle, 10.

PURPOSE: The purpose of this resolution is to study the shortage of nurses in all levels of health care delivery in our state. The study should include a review of the proposals introduced in the Ninety-sixth Legislature, Second Session, 2000, to address this issue and should include participation of private interest groups which are addressing the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 366. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

PURPOSE: To study the importation of alcoholic liquor into the state for personal use. The study shall examine:

1. Ways the State of Nebraska could collect revenue due to the state from

such sales;

2. The enforcement of any laws regarding such sales, including deliveries to underage persons and the collection of fees, duties, and taxes;

3. What other fees, duties, and taxes should be paid to the state relating to such sales; and

4. 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, SECOND 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 367. Introduced by Lynch, 13; Vrtiska, 1; Wehrbein, 2; Thompson, 14; Kristensen, 37; Byars, 30; Cudaback, 36; Engel, 17.

WHEREAS, Jack Mills was elected to the Nebraska Legislature in 1974; and

WHEREAS, Jack Mills served as a representative from district number 44 from 1975 until 1978; and

WHEREAS, Jack Mills became executive director of the Nebraska Association of County Officials on September 1, 1978; and

WHEREAS, for the past twenty-one and one-half years, Jack Mills has worked with the Legislature to formulate state statutes which have resulted in efficient and effective local government; and

WHEREAS, Jack Mills has served the citizens of Nebraska as a steward for their best interests, in both his professional and private lives; and

WHEREAS, Jack Mills will leave his position as executive director of the Nebraska Association of County Officials effective June 30, 2000.

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

1. That the Legislature recognizes Jack Mills for his service to Nebraska county government and the one million six hundred fifty thousand residents it serves.

2. The Legislature expresses its appreciation for the valued assistance Jack Mills has provided in promoting efficient and effective government.

3. That a copy of this resolution be presented to Jack Mills.

Laid over.

LEGISLATIVE RESOLUTION 368. Introduced by Hudkins, 21.

PURPOSE: This interim study will examine the current state statutes dealing with ground water transfers from overlying lands to determine

whether or not Nebraska law makes adequate provisions for small private transfers of ground water for domestic use on farmsteads and acreage residential developments.

The Legislature has already addressed statutorily domestic transfers of ground water for public water supplies, as well as for industrial and agricultural purposes and ground water remediation plans. The question has arisen, however, as to the possible need for additional statutory provisions to permit small private ground water transfers for domestic uses on farmsteads and acreage residential developments, which have traditionally been carried out through ground water well and pipeline easements. Should the study reveal that such a need exists, the appropriate statutory language should be prepared for introduction during the subsequent legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 968. Senator Landis asked unanimous consent to replace his pending amendment, AM2847, found on page 1158, with a substitute amendment. No objections. So ordered.

Senator Landis withdrew his amendment, AM2847, found on page 1158.

Senator Landis offered the following substitute amendment:
AM3014

1 1. Insert the following new sections:
2 "Section 1. Section 10-126, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 10-126. (1) All bonds of indebtedness, issued after
5 September 7, 1947, by any county, precinct, city, village, school
6 district, drainage district, or irrigation district or any other
7 municipal corporation or governmental subdivision of the state
8 shall be redeemable at the option of the governmental subdivision
9 or municipal corporation issuing such bonds at any time on or after
10 five years from the date of issuance, except this provision shall
11 not apply to (a) bonds of public power districts, public power and
12 irrigation districts, metropolitan utilities districts, cities of
13 the metropolitan and primary classes, and housing authorities of
14 any city or village, (b) and except issues of revenue bonds
15 exceeding one million dollars of cities of the first and second
16 classes and of villages, shall be redeemable at the option of the
17 governmental subdivision or municipal corporation issuing such

18 bonds at any time on or after five years from the date of issuance
 19 thereof or (c) issues of bonds exceeding ten million dollars of any
 20 school district of one thousand or more students in membership as
 21 provided in the fall school district membership report pursuant to
 22 subsection (4) of section 79-528 immediately preceding the issuance
 23 of bonds. Bonds of districts a district created under Chapter 31
 24 or 39 shall in addition, after annexation of the district by any

1 municipality, be redeemable at the option of the annexing
 2 municipality at any time after annexation of such district if at
 3 the time of redemption at least five years have elapsed from date
 4 of issuance. Such condition shall be plainly set forth in all
 5 bonds of any governmental subdivision of the state or municipal
 6 corporation hereafter issued to which it applies, and such bonds
 7 shall not be eligible for registration in the office of the Auditor
 8 of Public Accounts unless such condition appears therein.

9 (2) The issuer, except districts organized under Chapter
 10 31 or 39, of any such bonds of indebtedness, when the total amount
 11 of bonds at par value authorized as a single issue is five hundred
 12 thousand dollars or more, may agree to pay a call premium of not to
 13 exceed four percent of the par value for the redemption of such
 14 bonds. ~~Districts~~ ; ~~except that districts~~ organized under Chapter
 15 31 or 39 may agree to pay a call premium of not to exceed two
 16 percent of the par value of such bonds when a single issue is five
 17 hundred thousand dollars or more, and bonds of such districts shall
 18 have no other bond redemption call or prepayment restrictions
 19 except as hereinafter provided in this section. Bonds of public
 20 power districts, public power and irrigation districts,
 21 metropolitan utilities districts, cities of the metropolitan and
 22 primary classes; and housing authorities of any city or village and
 23 issues of revenue bonds exceeding one million dollars of cities of
 24 the first and second classes and villages listed in subdivisions
 25 (1)(a) through (1)(c) of this section may contain such provisions
 26 with respect to their redemption as the public power district,
 27 public power and irrigation district, metropolitan utilities
 1 district, city, village, ~~or~~ housing authority, or school district
 2 shall provide.

3 (3) All bonds heretofore or hereafter issued which do not
 4 provide a special procedure for calling and prepayments shall be
 5 called by a resolution passed by the governing body of the obligor,
 6 which resolution shall designate the bond or bonds to be prepaid by
 7 stating the date of the bonds, the purpose for which the bonds were
 8 issued, the bond numbers of the bonds so called, and the date set
 9 for prepayment. The issuer of any bonds which are required by this
 10 section to be issued subject to an option of redemption shall, at
 11 least thirty days prior to the date set for prepayment of such
 12 bonds, send notice by mail of the call to each holder of the called
 13 bonds as shown in its records. A true copy of the resolution shall
 14 be filed by the obligor with the Auditor of Public Accounts at
 15 least thirty days prior to call date, and a copy of the resolution

16 shall also be filed with the paying agent on or before the call
 17 date. The Auditor of Public Accounts shall note the call of the
 18 bonds on his or her registration records. The original purchaser
 19 of any bonds registered in the office of the Auditor of Public
 20 Accounts may file with the auditor notice of their purchase
 21 identifying the bonds so purchased. The Auditor of Public Accounts
 22 shall keep a record of all such filings and send notice by mail of
 23 the call of any bonds to the original purchaser of the called bonds
 24 as shown by his or her records.

25 (4) If the obligor deposits sufficient funds with the
 26 paying agent to pay the called bonds and accrued interest to date
 27 of call in full on or before the call date, the bonds shall cease
 1 to be a liability of the obligor, otherwise the call shall be
 2 revoked, and the bonds continue in effect the same as though no
 3 call had been made.

4 Sec. 3. Section 18-2601, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 18-2601. Sections 18-2601 to 18-2608 and section 9 of
 7 this act shall be known and may be cited as the Municipal
 8 Infrastructure Redevelopment Fund Act.

9 Sec. 4. Section 18-2602, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 18-2602. The Legislature finds that the municipalities
 12 of the state face an urgent need to construct, upgrade, and develop
 13 municipal infrastructure facilities. By providing basic public
 14 facilities, the municipalities of the state provide the building
 15 blocks for economic development. Not only does the investment in
 16 infrastructure generate an immediate stream of economic activity,
 17 it also lays the groundwork for private investment that will use
 18 the facilities so provided. Municipalities in the state currently
 19 are in critical need of assistance in providing these facilities.

20 The Legislature determines that it is in the public
 21 interest to establish a Municipal Infrastructure Redevelopment Fund
 22 to provide funds to municipalities in the state to use to provide
 23 infrastructure facilities and to permit municipalities in the state
 24 to issue bonds secured by amounts payable from the Municipal
 25 Infrastructure Redevelopment Fund and other sources.

26 Sec. 5. Section 18-2603, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 18-2603. For purposes of the Municipal Infrastructure
 2 Redevelopment Fund Act:

3 (1) Bond means any evidence of indebtedness, including,
 4 but not limited to, bonds, notes including notes issued pending
 5 long-term financing arrangements, warrants, debentures, obligations
 6 under a loan agreement or a lease-purchase agreement, or any
 7 similar instrument or obligation;

8 (2) ~~Fund shall mean~~ means the Municipal Infrastructure
 9 Redevelopment Fund;

10 (2) (3) Infrastructure project ~~shall mean~~ means any of

11 the following projects, or any combination thereof, to be owned or
 12 operated by a municipality: Solid waste management facilities;
 13 wastewater, storm water, and water treatment works and systems,
 14 water distribution facilities, and water resources projects,
 15 including, but not limited to, pumping stations, transmission
 16 lines, and mains and their appurtenances; hazardous waste disposal
 17 systems; resource recovery systems; airports; port facilities;
 18 buildings and capital equipment used in the operation operations
 19 and activities of municipal government and to provide services to
 20 the residents of the municipality; convention and tourism
 21 facilities; redevelopment projects as defined in section 18-2103;
 22 and mass transit and other transportation systems, including
 23 parking facilities and excluding public highways and bridges and
 24 municipal roads, streets, and bridges;

25 (3) (4) Municipal allocation amount shall ~~mean~~ means, for
 26 each municipality, the amount derived by multiplying the amount to
 27 be allocated by the fraction determined by dividing the total
 1 population of the municipality by the total population of the state
 2 living in municipalities, each as determined by the most recent
 3 federal census figures certified by the Tax Commissioner as
 4 provided in section 77-3,119; and

5 (4) (5) Municipality shall ~~mean~~ means any city of any
 6 class or any village in the state.

7 Sec. 6. Section 18-2606, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 18-2606. Money received by a municipality or credited to
 10 its account from the fund shall be used for one of the following
 11 purposes:

12 (1) To pay for the construction, acquisition, or
 13 equipping of infrastructure projects or portions thereof; or

14 (2) To pay principal, interest, premium, and costs of
 15 issuance on bonds debt incurred or securities issued by the
 16 municipality to finance the construction, acquisition, or equipping
 17 of infrastructure projects or portions thereof.

18 Sec. 7. Section 18-2607, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 18-2607. Each municipality shall be permitted to pledge
 21 the amounts on deposit or to be deposited in its account of the
 22 fund, as and when appropriated by the Legislature, to the holders
 23 of any bonds debt incurred or securities issued by the municipality
 24 to finance the construction, acquisition, or equipping of
 25 infrastructure projects as long as the lien of such pledge does not
 26 attach until funds are actually deposited into the municipality's
 27 account, and in no event shall such a pledge be construed as an
 1 obligation of the Legislature to appropriate such funds. Any such
 2 pledge shall be valid and binding from the time when the pledge is
 3 made. The money so pledged and thereafter received by the
 4 municipality or deposited into its respective account shall
 5 immediately be subject to the lien of such pledge without any

6 physical delivery thereof or further act, and the lien of any such
7 pledge shall be valid and binding as against all parties having
8 claims of any kind in tort, contract, or otherwise against the
9 municipality, irrespective of whether the parties have notice
10 thereof. Neither the resolution nor any other instrument by which
11 a pledge is created need be recorded.

12 Sec. 8. Section 18-2608, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 18-2608. No securities bonds issued by any municipality
15 and pledging which pledges funds to be deposited in its account of
16 the fund shall constitute a debt, liability, or general obligation
17 of this state or a pledge of the faith and credit of this state but
18 shall be payable, to the extent payable from state revenue, solely
19 from amounts credited to the accounts of the fund as provided by
20 the Municipal Infrastructure Redevelopment Fund Act, as and when
21 appropriated by the Legislature. Each security bond issued by any
22 municipality and pledging which pledges funds to be deposited in
23 its account of the fund shall contain on the face thereof a
24 statement that neither the faith and credit nor the taxing power of
25 this state is pledged to the payment of the principal of or the
26 interest on such security.

27 Sec. 9. Any municipality may by ordinance issue bonds in
1 one or more series for the construction or acquisition of an
2 infrastructure project or any portion thereof and pay the principal
3 of and interest on any such bonds by pledging funds received from
4 the Municipal Infrastructure Redevelopment Fund. Such bonds shall
5 have a final maturity not later than August 1, 2009, and the
6 aggregate debt service payments and related expenses with respect
7 to all series of such bonds for any twelve-month period during
8 which such bonds are outstanding shall not exceed the anticipated
9 receipts from the fund by such municipality. For purposes of this
10 section, anticipated receipts means the amount received by the
11 municipality from the fund for the twelve-month period immediately
12 preceding the date of issuance of such bonds.

13 Any municipality which has or may issue bonds under this
14 section may dedicate a portion of its property tax levy authority
15 as provided in section 77-3442 to meet debt service obligations
16 under the bonds, but only to the extent the receipts from the fund
17 pledged to the payment of such bonds and any other money made
18 available and used for that purpose are insufficient to pay the
19 principal of and interest on such bonds as they mature.

20 Sec. 27. Section 77-3,119, Revised Statutes Supplement,
21 1998, is amended to read:

22 77-3,119. (1) The Tax Commissioner shall certify the
23 population of cities and villages to be used for purposes of
24 calculations made pursuant to subdivision ~~(3)~~ (4) of section
25 18-2603, subdivisions (3)(a) and (b) of section 35-1205,
26 subdivision (1) of section 39-2517, and sections 39-2513 and
27 77-27,137.01. The Tax Commissioner shall transmit copies of such

- 1 certification to all interested parties upon request.
- 2 (2) The Tax Commissioner shall certify the population of
- 3 each city and village based upon the most recent federal census.
- 4 The Tax Commissioner shall determine the most recent federal census
- 5 for each city and village by using the most recent federal census
- 6 figures available from (a) the most recent federal decennial
- 7 census, (b) the most recent federal census update or recount
- 8 certified by the United States Bureau of the Census, or (c) the
- 9 most recent federal census figure of the city or village plus the
- 10 population of territory annexed as calculated in sections 18-1753
- 11 and 18-1754.
- 12 (3) The Tax Commissioner may adopt and promulgate rules
- 13 and regulations to carry out this section."
- 14 2. Correct the operative date section and repealer so
- 15 that the sections added by this amendment become operative on their
- 16 effective date with the emergency clause.
- 17 3. Renumber the remaining sections and correct internal
- 18 references accordingly.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Senator Crosby renewed the Bromm-Crosby pending amendment, AM2910, found on page 1162.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Redfield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Crosby moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Landis requested a roll call vote, in reverse order, on the Bromm-Crosby amendment.

Voting in the affirmative, 18:

Baker	Crosby	Cudaback	Dickey	Engel
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Pedersen, Dw.	Price	Smith	Stuhr
Suttle	Vrtiska	Wehrbein		

Voting in the negative, 19:

Bourne	Bruning	Byars	Chambers	Connealy
Coordsen	Dierks	Hartnett	Kristensen	Landis
Lynch	Matzke	Pederson, D.	Raikes	Redfield
Robak	Schimek	Thompson	Wickersham	

Present and not voting, 4:

Aguilar	Beutler	Brown	Preister
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Excused and not voting, 8:

Bohlke	Brashear	Bromm	Kiel	Quandahl
Schmitt	Schrock	Tyson		

The Bromm-Crosby amendment lost with 18 ayes, 19 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

Senator Kristensen withdrew his amendment, AM2776, found on page 1164.

Senator Janssen withdrew his amendment, AM2975, found on page 1195.

Senator Thompson renewed her pending amendment, AM2783, found on page 1205.

The Thompson amendment lost with 12 ayes, 16 nays, 12 present and not voting, and 9 excused and not voting.

The Bromm amendment, AM2990, found on page 1215, was withdrawn.

Senator Raikes withdrew his amendments, AM3004 and AM3012, found on pages 1226 and 1227.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 968A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1363. E & R amendment, AM7242, found on page 1155, was adopted.

Senators Chambers and Beutler renewed their pending amendment, AM2981, found on page 1188.

Senator Landis asked unanimous consent to be excused. No objections. So

ordered.

The Chambers-Beutler amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1363A. Senator Chambers offered the following amendment:

AM3062

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated (1) \$71,500 from
- 3 the General Fund for FY2000-01 and (2) \$66,500 from the General
- 4 Fund for FY2001-02 to the Department of Labor, for Program 194, to
- 5 aid in carrying out the provisions of Legislative Bill 1363,
- 6 Ninety-sixth Legislature, Second Session, 2000.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$42,000 for FY2000-01 or \$42,000 for FY2001-02."

The Chambers amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 1124:

AM3052

(Amendments to AM2845)

- 1 1. On page 1, line 17, strike "An active farmer" and
- 2 insert "Two active farmers".
- 3 2. On page 2, line 1, strike "and"; and in line 2 after
- 4 "official" insert
- 5 "(g) An elected county official who has served or is
- 6 serving on an agricultural and horticultural land valuation board;
- 7 and
- 8 (h) A county attorney who has an understanding of
- 9 appraisal processes and problems encountered in the valuation of
- 10 real property".

Senator D. Pederson filed the following amendment to LB 352:

AM3073

(Amendments to E & R amendments, AM7241)

- 1 1. Insert the following new section:
- 2 "Sec. 17. Section 71-4720.01, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 71-4720.01. For purposes of this section and sections
- 5 71-4720 to ~~71-4733~~ 71-4732:

- 6 (1) Commission means Commission for the Deaf and Hard of
7 Hearing;
- 8 (2) Deaf means a hearing impairment, with or without
9 amplification, which is so severe that the person with the
10 impairment may have difficulty in auditorily processing spoken
11 language without the use of an interpreter; and
- 12 (3) Hard of hearing means a hearing loss, permanent or
13 fluctuating, which may adversely affect the ability to understand
14 spoken language without the use of an interpreter or auxiliary
15 aid."
- 16 2. On page 17, line 10, after "Nebraska" insert ", and
17 section 71-4720.01, Revised Statutes Supplement, 1998"; and in line
18 13 after "Nebraska" insert ", and section 71-4733, Revised Statutes
19 Supplement, 1998".
- 20 3. Renumber the remaining sections and correct internal
21 references accordingly.

Senator Dierks filed the following amendment to LB 833:
(Amendment, AM3063, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 369. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to (1) examine ways to divert lead and other hazardous materials, and products containing lead and hazardous materials, from landfills and the environment and (2) research methods to recover and reuse such products. The study should also assess what resources are needed to create a plan to address this issue, including, but not limited to, the costs associated with the development of a 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, SECOND SESSION:

1. That the Natural Resources 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 the committees shall draw upon information provided by federal, state, and local agencies and private groups to make their assessments.
3. 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 370. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine ways to prevent

contamination from entering waters of the state and to assess what resources are needed to create a plan to address this issue, including, but not limited to, the costs associated with the development of a 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, SECOND SESSION:

1. That the Natural Resources 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 the committees shall draw upon information provided by federal, state, and local agencies and private groups to make their assessments.

3. 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 371. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Connealy, 16; Cudaback, 36; Dickey, 18; Hartnett, 45; Quandahl, 31; Schrock, 38; Smith, 48.

PURPOSE: The purpose of this study is to address the problems associated with the use of alcohol and tobacco by those under the legal age to do so and to explore alternatives to the current manner in which minors are cited for such offenses.

The study shall include, but not be limited to:

1. Possible alternatives to fines and jail, including driver's license suspension and diversion and education programs;

2. Ways to ensure statewide consistency in penalties for all minors;

3. Costs involved in any such additional programs; and

4. 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, SECOND 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 372. Introduced by Dw. Pedersen, 39.

PURPOSE: To examine issues relating to extraterritorial jurisdiction of municipalities and whether people residing in such area are being adequately represented by such municipal governing bodies. In particular, many people living within the area of extraterritorial jurisdiction have

expressed the concern that they are the victims of taxation without representation as they are taxed for various services but have no opportunity to vote for a city representative. As urban sprawl is a trend throughout the state, this concern will become more widespread and should be studied as a statewide issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 480A.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1348. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 students and teacher from Lexington High School; Senator Baker's wife, Pat Baker, 22 students, and teachers from Lakeside Central Elementary School; Senator Hilgert's wife, son, and mother, Cara, Jack, and Mary, from Omaha; 40 fourth grade students and teacher from Lyons-Decator Schools, Lyons; Senator Tyson's daughters and grandchildren, Elizabeth, William, and Maggie Goldhammer, Catherine Tyson, Sammantha and Katie Petersen; 9 members of Senator Smith's Youth Advisory Council from Gering, Mitchell, and Minatare; Senator Kristensen's parents, Don and Mary Lou, from Minden and uncle, Eugene Kristensen, from Tijeras, New Mexico; Sarah Ahrens from Lincoln; and 84 fourth grade students and teachers from Cottonwood Elementary School, Omaha.

ADJOURNMENT

At 2:11 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, March 27, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 27, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 27, 2000

PRAYER

The prayer was offered by Pastor William Thornton, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Dierks, Engel, Kiel, Kristensen, Landis, Robak, Schimek, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

MOTION - Approve Appointments

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 1214: Nebraska Motor Vehicle Industry Licensing Board - Jerry Haggadone, William Cannon, and Kevin Langel.

Voting in the affirmative, 33:

Aguilar	Baker	Bohlke	Bourne	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Crosby	Cudaback	Dickey	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Schmitt	Schrock	Smith
Suttle	Tyson	Vrtiska		

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Beutler	Brashear	Preister	Redfield	Stuhr
Thompson				

Excused and not voting, 9:

Dierks	Engel	Kiel	Kristensen	Landis
Robak	Schimek	Wehrbein	Wickersham	

The appointments were confirmed with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1285. E & R amendment, AM7215, found on page 912, was adopted.

Senator Bromm renewed his pending amendment, AM2456, found on page 833.

Senator Bromm asked unanimous consent to replace his pending amendment, AM2456, found on page 833, with a substitute amendment. No objections. So ordered.

Senator Bromm withdrew his amendment, AM2456, found on page 833.

Senators Bromm, Landis, and Kristensen offered the following substitute amendment:

(Amendment, AM3082, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

PRESIDENT MAURSTAD PRESIDING

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 300 and 304.

SELECT FILE

LEGISLATIVE BILL 1285. The Bromm et al. pending amendment, AM3082, printed separately and referred to in this day's Journal, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Bromm et al. amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Bromm withdrew the Bromm et al. amendment, AM2986, printed separately and referred to on page 1264.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 1253 and 1352.

Correctly Engrossed

The following bills were correctly engrossed: LBs 414, 414A, 1399, and 1399A.

Enrollment and Review Change to LB 1399

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

ER9143

1. In the Schimek et al. amendment, AM3041, on page 1, lines 2, 10, and 15, "Services" has been struck and "Service" inserted.

2. In the E & R amendments, AM7237, on page 12, line 9, "to provide duties for the Nebraska Volunteer Service Commission;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 1399A

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

ER9144

1. In the Schimek amendment, AM3044:

a. Section 4 has been renumbered as section 3; and

b. On page 1, lines 9 and 13, "Services" has been struck and "Service" inserted.

(Signed) Adrian M. Smith, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 373.** Introduced by Schrock, 38.

PURPOSE: To study the financial responsibilities of Nebraska's public electric utility industry in the operation and decommissioning expenses of the nuclear power plants wholly owned or partially owned by Nebraska's public electric utility companies. In addition, the study will examine the potential cost of alternative replacement power at the time of decommissioning.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 374. Introduced by Schrock, 38.

PURPOSE: To study and review the need to provide authority to the Department of Environmental Quality to accept voluntary fees or co-payments to be paid by applicants for the review and processing of permits issued by the department or for conducting any studies or other evaluations required prior to permit issuance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 375. Introduced by Schrock, 38.

PURPOSE: To study the financial and environmental implications of the removal of environmental contaminants from buildings or other structures that are publicly owned, have been abandoned and condemned, or are in possible need of demolition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 376. Introduced by Schrock, 38.

PURPOSE: To study the powers of the Department of Environmental Quality as they relate to the protection of cold water class A streams in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 377. Introduced by Schrock, 38.

PURPOSE: To examine the environmental effects of air pollutants from agriculture processing facilities' wastewater treatment lagoons.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 378. Introduced by Schrock, 38.

PURPOSE: To examine axle weights, trailer combinations, and length limitations on the trucking industry and the effects on the financial viability of that industry and financial impacts on other co-dependent industries.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Schrock, 38.

PURPOSE: To examine ways to enhance public awareness of the Nebraska Environmental Trust Act and its mission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 380. Introduced by Schrock, 38.

PURPOSE: To conduct an interim study to examine current laws concerning mountain lions in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 381. Introduced by Schrock, 38.

PURPOSE: To continue the study which was started under LR 107 (1999) to examine the possibilities of developing a water banking program in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 382. Introduced by Schrock, 38.

PURPOSE: To study the effects of the use of MTBE (methyl tertiary butyl ether) in Nebraska on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 383. Introduced by Schrock, 38.

PURPOSE: To study solid waste collection services as they relate to the Integrated Solid Waste Management Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 384. Introduced by Schrock, 38.

PURPOSE: To examine the need to provide the Department of Environmental Quality with the authority to assess administrative fines for violations of the Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act, and any rules, regulations, or orders adopted and promulgated under such acts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 385. Introduced by Schrock, 38.

PURPOSE: To study and review all state statutes, regulations, and policies on scrap tire management and disposal, and to assess the need for changes to these statutes, regulations, and policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 386. Introduced by Schrock, 38.

PURPOSE: To study the creation of an environmental stewardship program for Nebraska that may offer incentives to regulated business which demonstrate a record of environmental excellence in regulatory compliance, pollution prevention, waste minimization, and improvement of environmental performance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 387. Introduced by Schrock, 38.

PURPOSE: To study issues raised under Integrated Solid Waste Management Act enacted in 1992 and to determine whether the goals established under the act have been reached, and if not, what should be done to attain those goals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 388. Introduced by Price, 26.

PURPOSE: The purpose of this resolution is to determine an appropriate manner to evaluate the maintenance and replacement needs of K-12 public education buildings in the State of Nebraska. Public school boards are being forced to choose between (1) providing adequate facilities that enhance the learning environment, (2) offering a curriculum that addresses state standards of achievement, and (3) offering competitive salaries for all of their employee groups. The study shall investigate a method of determining a process to evaluate the current conditions of any school buildings used for instruction, a process to determine if school districts have neglected to maintain buildings as a means of conserving property taxes or because the district's budget would not permit the expenditure, and a certificate of need process that would determine the appropriateness of building new buildings or remodeling existing buildings in a district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 389. Introduced by Thompson, 14; Byars, 30.

PURPOSE: The purpose of this study is to review the need for all passengers in vehicles driven by a provisional driver to wear seat belts. The study shall consider, but not be limited to, the following issues:

- (1) Accident statistics for drivers in this age category;
- (2) Safety issues; and
- (3) Law enforcement issues.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Thompson, 14; Byars, 30.

PURPOSE: The purpose of this study is to review the need for seat belts to be installed on school buses.

The study shall consider, but not be limited to, the following issues:

1. Safety issues;
2. What types of seat belts should be considered for installation;
3. Costs of the installation; and
4. Enforcement of such laws, if enacted.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine allowing parents of infants to voluntarily abandon their child and be immune to prosecution as long as the child's health is not endangered in the process. Issues that need to be examined include, but are not limited to, who should be immune from prosecution, the maximum age for a child to be abandoned without parental prosecution, the provision of medical information, and the effectiveness of other states' laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 392. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to review the need for hepatitis B and varicella (chicken pox) vaccines for children entering day cares, Head Start, and K-12 schools in Nebraska. An increasing number of states and jurisdictions are requiring one or both of these vaccinations prior to entering day care facilities or public schools. In addition, the American Academy of Pediatrics recently recommended that states mandate the varicella vaccine. The study shall examine and seek information available from public health officials and other interested parties regarding the effectiveness of these vaccines, policies regarding exemptions from immunization requirements, and benefits of vaccination requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 393. Introduced by Thompson, 14.

PURPOSE: In 2000, Legislative Bill 1275 was introduced to provide privileged communication for domestic violence or sexual assault advocates. Currently, domestic violence or sexual assault advocates do not have protection from being subpoenaed into court and asked to reveal communications between themselves and the victim. This study shall examine and gather information from domestic violence or sexual assault advocates, the Nebraska State Bar Association, and various other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 394. Introduced by Thompson, 14.

PURPOSE: Methamphetamine is an addictive stimulant drug that strongly activates certain systems in the brain. Methamphetamine is made in illegal laboratories and has a high potential for abuse and dependence. The use of methamphetamines in Nebraska has increased markedly in recent years. The purpose of this study is to examine the need for methamphetamine specific treatment and how the use of methamphetamine has impacted communities, the criminal justice system, and other entities throughout Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 395. Introduced by Thompson, 14.

PURPOSE: The Substance Abuse Treatment Task Force's Final Report found that in FY1999-00, the total amount of substance abuse treatment dollars in Nebraska was \$19,702,702. Of these dollars, only four percent were specifically allocated to the adult criminal justice system and one percent was specifically allocated to the juvenile justice system. No substance abuse dollars were allocated to the courts or to probation. The task force concluded that the need for substance abuse treatment among offenders does not match the funding available to provide treatment for offenders. The purpose of this study is to review how current substance abuse treatment dollars are being expended in Nebraska and recommend ways to address the unmet needs for treatment in the criminal and juvenile justice systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 396. Introduced by Thompson, 14.

PURPOSE: The Nebraska Juvenile Services Master Plan found that, in an analysis of youth in juvenile correctional facilities in 1999, Nebraska's rate of incarceration in state-operated juvenile correctional facilities was substantially higher than its comparison states. Specifically, it found that Nebraska has a much higher percentage of girls in juvenile correctional facilities at 27.1% versus 12.8% for its peer states, and the offenses for which the girls are committed are less serious than those of their male counterparts. The purpose of this study is to examine the reasons behind this disparity and to make recommendations regarding what steps can be taken to decrease this high incarceration rate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 397. Introduced by Thompson, 14.

PURPOSE: Research findings continue to identify public health concerns about the effects of environmental tobacco smoke (ETS) on public health. This study shall examine the effects of ETS on Nebraska children, the effects of ETS on Nebraskans with respiratory disease, heart disease, and other diseases, the health risks related to public exposure of ETS, and the effectiveness of barriers and ventilation systems aimed at decreasing the negative effects of ETS.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 398. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine the feasibility of establishing an organ and tissue donor registry. Currently, Nebraska allows drivers to indicate their desire to donate organs and tissue as part of the driver's license application process. The information is not maintained or made available in a statewide computer data base. Allowing medical and organ retrieval personnel to access this information for families of patients who are possible organ and tissue donors could increase the number of donations.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine the costs associated with the use of immunosuppressive medications (anti-rejection drugs) by organ transplant recipients. The study should review:

1. The current Medicare coverage for these medications;

2. The cost to Medicare for immunosuppressive drugs for kidney transplant recipients compared to the health care costs for dialysis patients;

3. The options available to and costs involved with patients who have private health insurance benefits;

4. Federal legislative efforts aimed at providing additional coverage for such patients; and

5. Options available to the State of Nebraska to positively impact the lives of transplant recipients.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 400. Introduced by Thompson, 14; Suttle, 10.

PURPOSE: The purpose of this study is the development of Children's Services Councils in Nebraska. Children's Services Councils are county programs created by a vote of the people granting the authority to levy an ad valorem tax for children's services. This county program would provide a funding resource for children's services such as child care, youth development, mentoring, child abuse and neglect prevention and intervention services, and health services. This study would review the effectiveness of existing programs in other states and legislative action needed to develop these councils in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 401. 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.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 402. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the provisions of the Delayed Deposit Services Licensing Act to determine what changes and updating would be appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 403. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the licensing of insurance agents and brokers, with an emphasis on a study of the contents and purposes of the National Association of Insurance Commissioners revised Model Producer's Licensing Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 404. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the impact of the enactment of S. 900, commonly known as the "Gramm-Leach-Bliley Financial Services Modernization Act" on the regulation of insurance by the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 405. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the provisions of the Public Funds Deposit Security Act, including a review of issues regarding the pooling of securities by a depository bank or capital stock financial institution to secure the deposit of public funds of one or more governmental units, to determine what changes and clarification in the law would be appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 406. Introduced by Hilgert, 7; Quandahl, 31.

PURPOSE: In the years following the end of the Gulf War of 1991, some military personnel began to exhibit certain symptoms that have come to be known as Gulf War Syndrome. Many states have chosen to address this affliction in different ways.

The purpose of this resolution is to initiate an examination of what the State of Nebraska can do relative to Gulf War Syndrome. The examination should include, but not be limited to: (1) What other states currently do in this subject, (2) the possible establishment of a commission to provide assistance to Gulf War veterans in obtaining services, (3) whether a more substantive survey on the Gulf War Syndrome is needed and what agency should be responsible for conducting such survey, and (4) any other issues the committee determines are relevant to the study of this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 407. Introduced by Hilgert, 7.

PURPOSE: The purpose of this resolution is to examine the possibility of creating a program in Nebraska by which unwanted infants (up to seventy-two hours old) could be left with a hospital in a confidential and safe manner. The study should include, but not be limited to: (1) An examination of such a program currently utilized in Minnesota, (2) how often infants are abandoned in Nebraska, (3) need for such program, (4) the best method for implementation of such program, (5) what facilities would be best equipped to handle such program, and (6) any other issues the committee determines are relevant to the study of this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 408. Introduced by Hilgert, 7.

PURPOSE: The purpose of this resolution is to study the possibility of allowing triple-trailer towing in Nebraska. The study should include, but not be limited to: (1) An examination of what other states currently authorize the towing of triple trailers, (2) what restrictions, including restrictions on length, safety, and drivers, that other states have for triple-trailer towing, (3) what businesses or organizations currently located in Nebraska would benefit from this authorization, (4) the status of the federal freeze on the length of vehicles, and (5) any other issues the committee determines are relevant to the study of this subject.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409. Introduced by Hartnett, 45.

PURPOSE: Since 1980, with the adoption of the Nebraska Visitors

Development Act, counties in Nebraska 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 (and heard by the Government, Military and Veterans Affairs Committee of the Legislature) and LB 1303 was introduced in the 2000 legislative session. Both bills would authorize additional counties to exercise the authority granted to Douglas County (without authorizing any additional tax increases).

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, SECOND 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 410. Introduced by Hartnett, 45.

PURPOSE: This study, following a fifteen-year tradition, will provide the opportunity for the Urban Affairs Committee to investigate and review matters and issues arising during the interim which are within the jurisdiction of the committee, and which may be the subject of bills to be introduced in the 2001 legislative session. This provides 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 a 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 Legislature.

This study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 2000 legislative session which was either killed by the committee or held in committee to determine what other further action 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, SECOND 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 411. 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 changes made in LB 142 (1999), 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 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.

In the 2000 legislative session, the Urban Affairs Committee considered two bills (LB 1301 and LB 1320) which sought to provide additional revenue to sanitary and improvement districts for street and road construction and maintenance or to remove certain of their responsibilities and transfer them to the counties. It became clear from public hearings on the bills that additional research and discussion on the issue would be necessary.

The purpose of this study will be to investigate other potential sources of revenue for sanitary and improvement districts or to develop other strategies aimed at minimizing the amount of lost revenue and preventing property tax increases in such districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 412. Introduced by Hartnett, 45.

PURPOSE: In LB 674, enacted in 1999, provisions were adopted to insure that the value of the benefits paid to Nebraska State Patrol retirees 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 to determine 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 2001 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, SECOND 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 413. Introduced by Hartnett, 45.

PURPOSE: State law gives authority to cities and villages to adopt building codes, plumbing codes, electrical codes, fire prevention codes, and other codes relating to building and construction. Under state law, cities and villages that adopt building codes are required to adopt the Uniform Building Code and can make modifications to accommodate local conditions. The three model building code organizations, including the organization that developed the Uniform Building Code, have engaged in a process to unify, coordinate, and integrate the various building codes and have completed the 2000 International Codes to replace these existing building codes. This development needs to be studied by the Legislature to address questions about whether cities and villages should adopt some or all of the 2000 International Codes as their building codes, what options are available to cities and villages, and what state laws need to be amended to accommodate such changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 414. Introduced by Hartnett, 45.

PURPOSE: In 1993, the Legislature authorized a two-year task force study of historic preservation. The task force included broad professional and public membership, including representatives of diverse public organizations having an interest in public preservation. The task force met in public forums across the state to solicit input on all aspects of historic preservation and, in addition, commissioned a University of Nebraska-Lincoln Nebraska Social Indicators Survey that indicated 98% of Nebraskans felt historic preservation was important, 90% felt historic preservation is important to public officials who are responsible for tourism and economic development, and 74% felt government should help pay for historic preservation.

The findings and recommendations of the task force were presented to the Legislature in 1995. A primary recommendation included the need for the development of a wide range of economic incentives to preserve Nebraska's historic places.

Nebraska currently is one of only four states in the nation that offers no preservation incentive, although historic preservation is recognized as an important component in housing and neighborhood redevelopment, commercial and "main street" revitalization, and tourism enhancement in our state.

This study would up-date the work of the task force, compile additional information on the various strategies for providing economic and tax incentives, determine the most efficient, economical, and effective means for encouraging historical preservation, and provide a rationale for its adoption.

This study shall be conducted in cooperation with the Nebraska State Historical Society.

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

1. That the Revenue and Urban Affairs 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 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 415. Introduced by Brashear, 4.

PURPOSE: An individual who is the subject of a bankruptcy proceeding may protect some of his or her earnings pursuant to section 25-1558 which limits garnishment on earnings from personal services. The purpose of this study is to determine whether the definition of "earnings", which is defined in part as "compensation paid or payable for personal services", should be amended in order to prevent the unintended sheltering of money.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 416. Introduced by Brashear, 4; Dierks, 40.

PURPOSE: To conduct a study of civil protective custody statutes and procedure as such statutes and procedure relate to individuals who are intoxicated and dangerous to themselves or others. The study should include, but not be limited to, an examination of detoxification facilities and their ability to handle persons dangerous to themselves or others, as well as an examination of the availability of facilities across the state which are able to treat such individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 417. Introduced by Brashear, 4; Dw. Pedersen, 39.

PURPOSE: To conduct a study of community corrections in Nebraska. The study should include, but is not limited to, an evaluation of the effectiveness and efficiency of community corrections. Following evaluation, recommendations should be made, if necessary, to improve any programmatic or systemic problems with the current system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1025A. 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 1025, Ninety-sixth Legislature, Second Session, 2000.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1167:
AM3078

(Amendments to Standing Committee amendments, AM2678)

- 1 1. Strike section 19.
- 2 2. On page 40, line 9, strike "33, and 37" and insert
- 3 "32, and 36"; in line 10 strike beginning with "21" through "36"
- 4 and insert "20 to 30, 34, and 35"; and in line 14 strike "43-286,".
- 5 3. Renumber the remaining sections accordingly.

Senator Suttle filed the following amendment to LB 1167:
AM2915

(Amendments to Standing Committee amendments, AM2678)

- 1 1. Insert the following sections:
- 2 "Sec. 20. The court may appoint a court appointed
- 3 special advocate volunteer pursuant to the Court Appointed Special
- 4 Advocate Act.
- 5 Sec. 22. Sections 22 to 37 of this act shall be known
- 6 and may be cited as the Court Appointed Special Advocate Act.
- 7 Sec. 23. For purposes of the Court Appointed Special
- 8 Advocate Act, the definitions in sections 24 to 26 of this act
- 9 apply.
- 10 Sec. 24. Child means an individual under nineteen years
- 11 of age.
- 12 Sec. 25. Court appointed special advocate volunteer or
- 13 volunteer means an individual appointed by a court pursuant to the
- 14 Court Appointed Special Advocate Act.
- 15 Sec. 26. Court appointed special advocate program means
- 16 a program established pursuant to the Court Appointed Special
- 17 Advocate Act.
- 18 Sec. 27. (1) Court appointed special advocate programs
- 19 may be established and shall operate pursuant to the Court
- 20 Appointed Special Advocate Act.
- 21 (2) A court appointed special advocate program shall:
- 22 (a) Be an organization that screens, trains, and
- 23 supervises court appointed special advocate volunteers to advocate
- 1 for the best interests of children when appointed by a court as
- 2 provided in section 31 of this act. Each court may be served by a

3 court appointed special advocate program. One program may serve
4 more than one court;

5 (b) Hold regular case conferences with volunteers to
6 review case progress, and conduct annual performance reviews for
7 all volunteers;

8 (c) Provide staff and volunteers with written program
9 policies, practices, and procedures; and

10 (d) Provide the training required pursuant to section 29
11 of this act.

12 Sec. 28. The program director of the court appointed
13 special advocate program shall be responsible for the
14 administration of the program, including recruitment, selection,
15 training, supervision, and evaluation of staff and court appointed
16 special advocate volunteers.

17 Sec. 29. (1) All court appointed special advocate
18 volunteers shall participate fully in preservice training,
19 including, but not limited to, instruction on recognizing child
20 abuse and neglect, cultural awareness, socioeconomic issues, child
21 development, the juvenile court process, permanency planning,
22 volunteer roles and responsibilities, advocacy, information
23 gathering, and documentation. Volunteers shall be required to
24 participate in observation of court proceedings prior to
25 appointment.

26 (2) All volunteers shall receive a training manual that
27 includes guidelines for service and duties.

1 (3) Each court appointed special advocate program shall
2 provide a minimum of ten hours of inservice training per year to
3 volunteers.

4 Sec. 30. (1) The minimum qualifications for any
5 prospective court appointed special advocate volunteer are that he
6 or she shall:

7 (a) Be at least twenty-one years of age or older and have
8 demonstrated an interest in children and their welfare;

9 (b) Be willing to commit to the court for a minimum of
10 one year of service to a child;

11 (c) Complete an application, including providing
12 background information required pursuant to subsection (2) of this
13 section;

14 (d) Participate in a screening interview; and

15 (e) Participate in the training required pursuant to
16 section 29 of this act.

17 (2) As required background screening, the program
18 director shall obtain the following information regarding a
19 volunteer applicant:

20 (a) A check of the applicant's criminal history record
21 information maintained by the Identification Division of the
22 Federal Bureau of Investigation through the Nebraska State Patrol;

23 (b) A check of his or her record with the state Abused or
24 Neglected Child Registry;

- 25 (c) A check of his or her driving record; and
26 (d) At least three references who will attest to the
27 applicant's character, judgment, and suitability for the position
1 of a court appointed special advocate volunteer.
2 (3) If the applicant has lived in Nebraska for less than
3 twelve months, the program director shall obtain the records
4 required in subdivisions (2)(a) through (2)(c) of this section
5 from all other jurisdictions in which the applicant has lived
6 during the preceding year.
7 Sec. 31. (1) A judge may appoint a court appointed
8 special advocate volunteer in any proceeding brought pursuant to
9 section 43-247 or section 43-292 when, in the opinion of the judge,
10 a child who may be affected by such proceeding requires services
11 that a volunteer can provide and the court finds that the
12 appointment is in the best interests of the child.
13 (2) A volunteer shall be appointed pursuant to a court
14 order. The court order shall specify the volunteer as either:
15 (a) A co-guardian ad litem, if both a volunteer and an
16 attorney are appointed as guardians ad litem; or
17 (b) A friend of the court acting on the authority of the
18 judge. The volunteer acting as a friend of the court may offer as
19 evidence a written report with recommendations consistent with the
20 best interests of the child, subject to all pertinent objections.
21 (3) A memorandum of understanding between a court and a
22 court appointed special advocate program is required in any county
23 where a program is established and shall set forth the roles and
24 responsibilities of the court appointed special advocate volunteer.
25 For cases in which the volunteer is appointed as a co-guardian ad
26 litem, the memorandum of understanding shall set forth the roles
27 and responsibilities of the co-guardians ad litem.
1 (4) The volunteer's appointment shall conclude:
2 (a) When the court's jurisdiction over the child
3 terminates;
4 (b) Upon discharge by the court on its own motion;
5 (c) With the approval of the court, at the request of the
6 program director of the court appointed special advocate program to
7 which the volunteer is assigned; or
8 (d) Upon successful motion of a party to the action for
9 the removal of the volunteer because the party believes the
10 volunteer has acted inappropriately, is unqualified, or is
11 unsuitable for the appointment.
12 Sec. 32. A court appointed special advocate volunteer
13 shall not:
14 (1) Accept any compensation for the duties and
15 responsibilities of his or her appointment;
16 (2) Have any association that creates a conflict of
17 interest with his or her duties;
18 (3) Be related to any party or attorney involved in a
19 case;

- 20 (4) Be employed in a position that could result in a
21 conflict of interest or give rise to the appearance of a conflict;
22 or
23 (5) Use the position to seek or accept gifts or special
24 privileges.
- 25 Sec. 33. (1) Upon appointment in a proceeding, a court
26 appointed special advocate volunteer shall:
27 (a) Conduct an independent examination regarding the best
1 interests of the child that will provide factual information to the
2 court regarding the child and the child's family. The examination
3 may include interviews with and observations of the child,
4 interviews with other appropriate individuals, and the review of
5 relevant records and reports; and
6 (b) Determine if an appropriate permanency plan has been
7 created for the child, whether appropriate services are being
8 provided to the child and the child's family, and whether the
9 treatment plan is progressing in a timely manner.
- 10 (2) The volunteer, with the support and supervision of
11 the court appointed special advocate program staff, shall make
12 recommendations consistent with the best interests of the child
13 regarding placement, visitation, and appropriate services for the
14 child and the child's family and shall prepare a written report to
15 be distributed to the court and the parties to the proceeding.
- 16 (3) The volunteer shall monitor the case to which he or
17 she has been appointed to assure that the child's essential needs
18 are being met.
- 19 (4) The volunteer shall make every effort to attend all
20 hearings, meetings, and any other proceeding concerning the case to
21 which he or she has been appointed.
- 22 (5) The volunteer may be called as a witness in a
23 proceeding by any party or the court.
- 24 Sec. 34. (1) All government agencies, service
25 providers, professionals, parents, and families shall cooperate
26 with all reasonable requests of the court appointed special
27 advocate volunteer. The volunteer shall cooperate with all
1 government agencies, service providers, professionals, parents, and
2 families.
3 (2) The volunteer shall be notified in a timely manner of
4 all hearings, meetings, and any other proceeding concerning the
5 case to which he or she has been appointed. The court in its
6 discretion may proceed notwithstanding failure to notify the
7 volunteer or failure of the volunteer to appear.
- 8 Sec. 35. The contents of any document, record, or other
9 information relating to a case to which the court appointed special
10 advocate volunteer has access are confidential and the volunteer
11 shall not disclose such information to persons other than the
12 court, the parties to the action, and other persons authorized by
13 the court. A violation of this section is a Class III misdemeanor.
- 14 Sec. 36. Nothing in the Court Appointed Special Advocate

15 Act affects the attorney-client privilege.

16 Sec. 37. A court appointed special advocate volunteer

17 shall be immune from civil liability to the full extent provided in

18 the federal Volunteer Protection Act of 1997."

19 2. On page 23, lines 24 and 25, strike "13 and 14" and

20 insert "13, 14, and 20".

21 3. On page 40, line 9, strike "33, and 37" and insert

22 "20 to 37, 50, and 54"; and in line 10, strike "21 to 31, 35, and

23 36" and insert "38 to 48, 52, and 53".

24 4. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 352. E & R amendment, AM7241, printed separately and referred to on page 1167, was adopted.

Senator Bruning renewed his pending amendment, AM2787, found on page 1147.

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

Senator D. Pederson renewed his pending amendment, AM3073, found on page 1307.

The D. Pederson amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Crosby moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Crosby requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Aguilar	Beutler	Bourne	Brashear	Bruning
Byars	Chambers	Connealy	Coordsen	Crosby
Cudaback	Dickey	Dierks	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Vrtiska	Wehrbein

Voting in the negative, 9:

Bromm	Jones	Kremer	Price	Raikes
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Redfield Thompson Tyson Wickersham

Present and not voting, 2:

Baker Bohlke

Excused and not voting, 3:

Brown Engel Kiel

Advanced to E & R for engrossment with 35 ayes, 9 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 352A. Advanced to E & R for engrossment.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 1124. E & R amendment, AM7243, found on page 1184, was adopted.

PRESIDENT MAURSTAD PRESIDING

Senator Coordsen renewed his pending amendment, AM3052, found on page 1307.

The Coordsen amendment was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1124A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 973. E & R amendment, AM7244, printed separately and referred to on page 1232, was adopted.

Senator Janssen renewed his pending amendment, AM3053, found on page 1287.

The Janssen amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 1167:
AM3079

(Amendments to Standing Committee amendments, AM2678)

1 1. Strike section 19 and insert the following section:
2 "Sec. 19. Section 43-286, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 43-286. (1) When any juvenile is adjudicated to be a
5 juvenile described in subdivision (1), (2), or (4) of section
6 43-247:
7 (a) The court may continue the dispositional portion of
8 the hearing, from time to time upon such terms and conditions as
9 the court may prescribe, including an order of restitution of any
10 property stolen or damaged or an order requiring the juvenile to
11 participate in community service programs, if such order is in the
12 interest of the juvenile's reformation or rehabilitation, and,
13 subject to the further order of the court, may:
14 (i) Place the juvenile on probation subject to the
15 supervision of a probation officer;
16 (ii) Permit the juvenile to remain in his or her own home
17 or be placed in a suitable family home, subject to the supervision
18 of the probation officer; or
19 (iii) Cause the juvenile to be placed in a suitable
20 family home or institution, subject to the supervision of the
21 probation officer. If the court has committed the juvenile to the
22 care and custody of the Department of Health and Human Services,
23 the department shall pay the costs of the suitable family home or
24 institution which are not otherwise paid by the juvenile's parents.
25 Under subdivision (1)(a) of this section, upon a
26 determination by the court that there are no parental, private, or
27 other public funds available for the care, custody, and maintenance
28 of a juvenile, the court may order a reasonable sum for the care,
29 custody, and maintenance of the juvenile to be paid out of a fund
30 which shall be appropriated annually by the county where the
31 petition is filed until a suitable provision may be made for the
32 juvenile without such payment; or
33 (b) The court may commit such juvenile to the Office of
34 Juvenile Services, but a juvenile under the age of twelve years
35 shall not be placed at the Youth Rehabilitation and Treatment
36 Center-Geneva or the Youth Rehabilitation and Treatment
37 Center-Kearney unless he or she has violated the terms of probation
38 or has committed an additional offense and the court finds that the
39 interests of the juvenile and the welfare of the community demand
40 his or her commitment. This minimum age provision shall not apply
41 if the act in question is murder or manslaughter.
42 (2) When any juvenile is found by the court to be a
43 juvenile described in subdivision (3)(b) of section 43-247, the
44 court may enter such order as it is empowered to enter under
45 subdivision (1)(a) of this section or enter an order committing or
46 placing the juvenile to the care and custody of the Department of
47 Health and Human Services.
48 (3) Beginning July 15, 1998, when any juvenile is
49 adjudicated to be a juvenile described in subdivision (1), (2),

27 (3)(b), or (4) of section 43-247 because of a nonviolent act or
1 acts and the juvenile has not previously been adjudicated to be
2 such a juvenile because of a violent act or acts, the court may,
3 with the agreement of the victim, order the juvenile to attend
4 juvenile offender and victim mediation with a mediator or at an
5 approved center selected from the roster made available pursuant to
6 section 25-2908.

7 (4)(a) When a juvenile is placed on probation or under
8 the supervision of the court and it is alleged that the juvenile is
9 again a juvenile described in subdivision (1), (2), (3)(b), or (4)
10 of section 43-247, a petition may be filed and the same procedure
11 followed and rights given at a hearing on the original petition.
12 If an adjudication is made that the allegations of the petition are
13 true, the court may make any disposition authorized by this section
14 for such adjudications.

15 (b) When a juvenile is placed on probation or under the
16 supervision of the court for conduct under subdivision (1), (2),
17 (3)(b), or (4) of section 43-247 and it is alleged that the
18 juvenile has violated a term of probation or supervision or that
19 the juvenile has violated an order of the court, a motion to revoke
20 probation or supervision or to change the disposition may be filed
21 and proceedings held as follows:

22 (i) The motion shall set forth specific factual
23 allegations of the alleged violations and a copy of such motion
24 shall be served on all persons required to be served by sections
25 43-262 to 43-267;

26 (ii) The juvenile shall be entitled to a hearing before
27 the court to determine the validity of the allegations. At such
1 hearing the juvenile shall be entitled to those rights relating to
2 counsel provided by section 43-272 and those rights relating to
3 detention provided by sections 43-254 to 43-256. The juvenile
4 shall also be entitled to speak and present documents, witnesses,
5 or other evidence on his or her own behalf. He or she may confront
6 persons who have given adverse information concerning the alleged
7 violations, may cross-examine such persons, and may show that he or
8 she did not violate the conditions of his or her probation or, if
9 he or she did, that mitigating circumstances suggest that the
10 violation does not warrant revocation. The revocation hearing
11 shall be held within a reasonable time after the juvenile is taken
12 into custody;

13 (iii) The hearing shall be conducted in an informal
14 manner and shall be flexible enough to consider evidence, including
15 letters, affidavits, and other material, that would not be
16 admissible in an adversarial criminal trial;

17 (iv) The juvenile shall be given a preliminary hearing in
18 all cases when the juvenile is confined, detained, or otherwise
19 significantly deprived of his or her liberty as a result of his or
20 her alleged violation of probation. Such preliminary hearing shall
21 be held before an impartial person other than his or her probation

22 officer or any person directly involved with the case. If as a
 23 result of such preliminary hearing probable cause is found to
 24 exist, the juvenile shall be entitled to a hearing before the court
 25 in accordance with this subsection;

26 (v) If the juvenile is found by the court to have
 27 violated the terms of his or her probation, the court may modify
 1 the terms and conditions of the probation order, extend the period
 2 of probation, or enter any order of disposition that could have
 3 been made at the time the original order of probation was entered;
 4 and

5 (vi) In cases when the court revokes probation, it shall
 6 enter a written statement as to the evidence relied on and the
 7 reasons for revocation."

Senators Bromm and Thompson filed the following amendment to LB 1115:
 AM3049

(Amendments to E & R amendments, AM7246)

1 1. On page 109, line 19, strike "or its political
 2 subdivisions".

Senator Thompson filed the following amendment to LB 1115:
 AM3076

(Amendments to E & R amendments, AM7246)

1 1. In section 71-5707, strike subsection (4), show the
 2 old matter as stricken, and insert:
 3 "(4) Except as provided in subsections (5), (6), and (7)
 4 of this section, smoking is prohibited (a) in all vehicles owned or
 5 leased by the state, (b) in all buildings, and the area within ten
 6 feet of any entrance of such buildings, which are owned, leased, or
 7 occupied by the state, and (c) within ten feet of any entrance of
 8 buildings owned, leased, or occupied by a political subdivision."

RESOLUTIONS

LEGISLATIVE RESOLUTION 418. Introduced by Schrock, 38.

PURPOSE: To study the feasibility of providing compensation from the Nebraska Environmental Trust Fund to individuals engaged in agriculture for the development of buffer strips to minimize potential pollution problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 419. Introduced by Dw. Pedersen, 39.

PURPOSE: To examine the issuance of message plates. Year after year the Legislature is flooded with proposals to have special license plates for various groups. The Legislature should study the feasibility of issuing a generic message plate with a space for a decal or similar tag that could be purchased and attached indicating support for these groups. The study should investigate options, possible costs, and fees for such a license plate.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Beutler, 28.

PURPOSE: To examine implementation and funding authority for municipalities to comply with the federal mandate imposing responsibility on many Nebraska municipalities to develop and implement storm water management programs.

In 1972, Congress amended the Clean Water Act (CWA) to prohibit discharge of any pollutant to waters unless the discharge is authorized by a permit. Subsequently, the federal Environmental Protection Agency (EPA) found that "storm water runoff from lands modified by human activities can harm surface water resources and, in turn, cause or contribute to . . . (the exceeding) of water quality standards by changing natural hydrologic patterns, accelerating stream flows, destroying aquatic habitat, and elevating pollutant concentrations and loadings." In 1987, Congress amended the CWA to regulate storm water discharge. Under the storm water program, the EPA is responsible for monitoring and reporting the effect of storm water discharge on water quality in streams and for conducting programs in public education and outreach concerning such discharge.

In 1990, the EPA adopted regulations for Phase I of the storm water program. Phase I requires municipalities with populations in excess of 100,000 to obtain a permit for any storm water discharge. On December 8, 1999, the EPA adopted Phase II regulations which expand this permit requirement to smaller municipalities that meet certain urbanized characteristics.

This study shall include: (1) A review of the requirements of 40 C.F.R. parts 122 to 124 and 64 Fed. Reg. 68722 (Dec. 8, 1999) as they relate to development and implementation of storm water management programs by Nebraska municipalities, (2) a determination of technical resources available

to aid Nebraska municipalities in such program development and implementation, (3) an examination of funding alternatives for such program development and implementation, and (4) any other topic deemed necessary by the committee to carry out the purposes of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 421. Introduced by Jones, 43; Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the prevention of fires near railroad tracks.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Jones, 43; Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the time frame in which claims against railroads are accepted and denied.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Matzke, 47; Wehrbein, 2; D. Pederson, 42.

PURPOSE: The purpose of this resolution is to review the extent to which office and other space is leased to house agencies of state government, particularly in Lincoln, Nebraska, and to consider alternatives for accommodating state agency space needs currently met with leased space. Consideration of alternatives shall include an analysis of the feasibility, expediency, and financial prudence of constructing a facility to centrally accommodate multiple state agency functions that are currently dispersed across numerous leased sites. The review shall include the identification of current premises leased, the quantity of space leased, and the lease terms and costs incurred relative to leased premises. The review shall also include a preliminary estimation of the probable costs to construct a facility to house multiple state agency functions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 973A. 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 973, Ninety-sixth Legislature, Second Session, 2000.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1349.

A BILL FOR AN ACT relating to the Information Technology Infrastructure Act; to amend sections 81-1190 to 81-1192, 81-1194, 81-1195, 81-1199, and 81-11,102, Reissue Revised Statutes of Nebraska, section 81-179, Revised Statutes Supplement, 1998, and section 77-2602, Revised Statutes Supplement, 1999; to change provisions of the act; to define and redefine terms; to change funding; to change and eliminate an obsolete fund and powers and duties; to eliminate a termination date; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 14-3,130, 81-1193, 81-1196, 81-1197, 81-1198, 81-11,100, 81-11,101, and 81-11,103, 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, 34:

Aguilar	Baker	Beutler	Bohlke	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Crosby	Dickey	Dierks	Engel	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Landis	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Raikes	Schrock	Smith	Stuhr
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 13:

Bourne	Chambers	Cudaback	Hartnett	Janssen
Lynch	Price	Redfield	Robak	Schimek
Schmitt	Suttle	Vrtiska		

Present and not voting, 1:

Brashear

Excused and not voting, 1:

Kiel

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: LB 1349.

UNANIMOUS CONSENT - Members Excused

Senators Connealy, Brown, Landis, Robak, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 812. Senator Beutler withdrew his amendment, AM2892, found on page 1157 and considered on page 1264.

Senator Beutler offered the following amendment:
AM3090

- 1 1. Insert the following new section:
- 2 "Section 1. In accordance with timelines that are
- 3 adopted by the State Board of Education, but in no event later than
- 4 July 1, 2003, each school district shall adopt measurable quality
- 5 academic content standards for every grade level in the subject
- 6 areas of reading, writing, mathematics, science, social studies,
- 7 and history. The standards may be the same as, or may be equal or
- 8 exceed in rigor, the measurable model academic content standards
- 9 adopted by the state board. The State Department of Education
- 10 shall adopt and promulgate appropriate rules and regulations to
- 11 insure the rigor of the measurable quality academic content
- 12 standards."
- 13 2. Renumber the remaining sections accordingly.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 424. Introduced by Bromm, 23; Thompson, 14; Hartnett, 45; Bruning, 3; Byars, 30.

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 to 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, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Bruning, 3.

PURPOSE: The purpose of this resolution is to authorize a study of the issues raised by Legislative Bill 1246, Ninety-sixth Legislature, Second Session, dealing with annexation of territory within a Class III school district by another school district. In particular, the study shall look at the effects on small or rural school districts of the changes proposed by LB 1246.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 426. Introduced by Dw. Pedersen, 39.

PURPOSE: To determine appropriate enforcement mechanisms for privately posted speed limits on private property. Such privately posted speed limits are commonly found in mall parking lots and other privately owned facilities playing host to a large number of vehicles. City or county law enforcement officers lack the authority to enforce such speed limits on private property. Conversely, security personnel hired by property owners lack the authority to give tickets or impose fines. This study should examine the current law to determine if enforcement mechanisms are currently available and, if not, examine alternatives to enable such privately posted speed limits to be enforced.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 427. Introduced by Engel, 17; Matzke, 47; Brown, 6; Quandahl, 31.

PURPOSE: The purpose of this study is to investigate the issues raised by legislation introduced this session concerning the use of traffic enforcement systems (photo monitoring devices) at intersections controlled by traffic control signals. Specifically, the study shall examine the constitutional concerns broached by the legislation (LB 1277), including Due Process, Equal Protection, and the Right to Privacy. Along with the constitutional inquiries, discussion shall include answering the question of how to implement the use of traffic enforcement systems without conflicting with

the Nebraska Rules of the Road. Additionally, the study shall review how other states have implemented similar systems and how such systems have fared since their inception.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 2000, at 11:40 a.m., was the following: LB 1349.

(Signed) Diana Bridges
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were Anne Doering from Franklin; 45 fourth grade students and teachers from Brownell Talbot School, Omaha; and Reverend and Mrs. Thomas Richard Javor from Springfield.

RECESS

At 11:52 a.m., on a motion by Senator Smith, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Bromm, Brown, Crosby, Dickey, Dierks, Kiel, Kristensen, Landis, and Price who were excused until they arrive.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 1115. Placed on Select File as amended.
(E & R amendment, AM7246, 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 936. Placed on Select File as amended.
(E & R amendment, AM7247, 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 936A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 812. The Beutler pending amendment, AM3090, found on page 1345, was renewed.

PRESIDENT MAURSTAD PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

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

FA346

Amend AM3090

P. 1, line 3, strike "that" and insert "than"; and in line 7 after "equal" insert "to".

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Chambers	Connealy	Dickey
Engel	Hudkins	Jensen	Kiel	Kristensen
Landis	Lynch	Matzke	Pederson, D.	Preister
Quandahl	Raikes	Redfield	Schimek	Schrock
Tyson	Wehrbein			

Voting in the negative, 19:

Bohlke	Brashear	Byars	Coordsen	Crosby
Cudaback	Dierks	Hartnett	Janssen	Jones

Pedersen, Dw. Price	Schmitt	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wickersham

Present and not voting, 3:

Hilgert	Kremer	Robak
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The Beutler amendment, as amended, was adopted with 27 ayes, 19 nays, and 3 present and not voting.

Pending.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the Final Reading of LBs 1448e, 1214e, 1214Ae, 1215e, 1216e, 1217e, 1328e, 1369, 1379, 1379Ae, 1427, 1427A, 213e, 929, 1085e, 1135, 1197e, 1436e, and 1436Ae.

(Signed) Curt Bromm

RESOLUTIONS

LEGISLATIVE RESOLUTION 428. Introduced by Brashear, 4.

PURPOSE: Nebraska has a number of statutes that punish offenders for theft, fraud, and destruction of property according to the dollar amount of loss suffered to the victim. This study should examine Nebraska's criminal statutes relating to theft, fraud, and destruction of property to ensure that consistency and fairness exist under the law and that the public's safety and security is maintained. Specifically, this study should evaluate the present applicability and definitions of Nebraska's theft, fraud, and destruction of property statutes and compare the pecuniary loss threshold of these statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 429. Introduced by Brashear, 4.

PURPOSE: A study to examine Nebraska's existing definition of the crime of burglary as codified in Neb. Rev. Stat. section 28-507. Nebraska presently defines the crime of burglary as the act of willfully, maliciously,

and forcibly breaking and entering any real estate or any improvement erected thereon with the intent to commit any felony or with intent to steal property of any value. The purpose of this study is to evaluate this present definition and to specifically address the definition of the element of "breaking".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 430. Introduced by Raikes, 25.

PURPOSE: Nebraska's public schools are one of the state's greatest resources. Nebraska students traditionally rank among the highest in the nation in achievement test scores. This tradition is attributable in large part to Nebraska's public school teachers. Yet national trends indicate that fewer and fewer people are choosing teaching as a profession. One reason for this may be that salaries are not commensurate with the professional training and requirements that teaching demands. All Nebraska school districts must be able to recruit and retain good teachers, particularly as the national teacher shortage makes itself known in Nebraska. This study will consider possible ways that the Tax Equity and Educational Opportunities Support Act can increase local districts' options for offering competitive salaries to teachers. In particular, the study will consider the impact of needs calculations, budget restrictions, and levy limitations on districts' ability to adjust spending to recruit and retain teachers. The opportunity of districts to address teacher salary issues through appeals to the Commission of Industrial Relations will also be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 431. 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, SECOND 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 432. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to reexamine the role of the groups working with educational service units, consisting of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts, as described in sections 79-1241 and 79-1242.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 433. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine establishing a Nebraska voluntary sentencing guidelines commission. The commission, similar to those established in other states, would work toward the goals of reducing disparity in sentencing and managing correctional resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 434. Introduced by Janssen, 15.

PURPOSE: To examine Nebraska's current policy of charging sales tax on postage for delivery of printed materials, especially circulars and fliers, and the effects of providing an exemption from this sales tax as proposed in LB 245, Ninety-sixth Legislature, First Session, 1999. The study shall include, but not be limited to, examining the tax policies of other states in

regard to this issue, examining the legality of this state tax under federal law, and contacting the Postmaster General for an opinion on this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 435. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine issues relating to territorial rating for automobile liability insurance and what can be done to lower the premium charge for automobile insurance. The study should assess what resources are needed to create a plan to address this issue, including, but not limited to, costs associated with the development of a 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, SECOND 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 draw upon information provided by federal, state, and local agencies and private groups in making 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 436. Introduced by Kiel, 9.

PURPOSE: The purpose of this resolution is to study joint law enforcement and community projects to reduce gun violence. The study shall include, but not be limited to:

(1) identifying the effect gun violence has on the State of Nebraska and its citizens' health care costs, lost work production, and wages and the pain and anguish every victim experiences;

(2) Recognizing that the federal plan to put more police officers on the streets has resulted in a nationwide reduction of crime and studying the possibility of adding additional personnel to further reduce crime; and

(3) Examining programs such as Project Exile and other similar programs which give probation officers, court personnel, law enforcement personnel, and the community the ability to work together to prevent gun violence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 437. Introduced by Kiel, 9.

WHEREAS, Omaha Police Officer Jeffrey Holland was shot and critically wounded during a bank robbery attempt on March 1, 2000, Nebraska State Patrol trooper Jeff Crymble was shot and critically wounded, and Lincoln County Deputy Sheriff Stan McKnight was shot and wounded by a fugitive on February 12, 2000; and

WHEREAS, numerous Nebraska men, women, and children have been critically wounded and killed by unauthorized and negligent firearm use; and

WHEREAS, a rash of shootings across the nation with illegally or negligently obtained firearms has shocked the conscience of the nation; and

WHEREAS, the citizens of Nebraska want to provide the safest environment possible for their children, their family members, their friends, and the law enforcement officers who devote their lives to protecting them.

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

1. That the Legislature extends its sympathy to all the individuals, their families, and their friends who have suffered due to gun violence in the State of Nebraska.

2. That the Legislature supports a safer working environment for our law enforcement officers by making it more difficult for children or nonauthorized users to illegally obtain and use firearms.

3. That the Legislature wants to protect the children of Nebraska through child-access protection for firearms, and demand that parents, guardians, and other adults take precautions in order to prevent a child or other nonauthorized user from obtaining a firearm.

4. That the Legislature urges the development of products and technology to prevent firearms from being used by any person other than the owner or an authorized user and that such products and technology be available for use.

Laid over.

LEGISLATIVE RESOLUTION 438. Introduced by Kiel, 9.

WHEREAS, many thousands of men and women have given their lives in the service of their country, preserving freedom for mankind; and

WHEREAS, the United States Government honors those individuals who have given their lives or shed their blood on foreign soil by awarding them the Purple Heart; and

WHEREAS, it is appropriate to further the recognition of those veterans who have given their lives for their country; and

WHEREAS, the original capital of the colonies, which then became the United States, was New York City; and

WHEREAS, Interstate I-80 proceeds from that original capital to the Pacific Ocean and passes through the heartland of this great country.

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

1. That the Legislature hereby resolves to rename the Nebraska portion of Interstate I-80 as the "I-80 Purple Heart Trail." -

Laid over.

LEGISLATIVE RESOLUTION 439. Introduced by Schimek, 27; Hilgert, 7.

PURPOSE: The Legislature shall conduct a study to review current, supplemental, and alternative funding sources provided to Department of Health and Human Services Regulation and Licensure licensed facilities that provide alternative care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 440. Introduced by Wickersham, 49.

PURPOSE: The purpose of this study is to examine alternate ways of distributing state aid to municipalities, counties, and natural resources districts. Municipalities and counties receive state aid from a number of sources through different programs that are not integrated and coordinated with respect to each other. The state aid to natural resources districts program is not based on any examination of the needs of each natural resources district compared to its ability to meet those needs with a tax levy. The loss of revenue from the fertilizer fee has cast doubt on the capacity of natural resources districts to meet the needs of their residents using only property tax and the current state aid formula. This study is to examine alternatives to the current aid formulas in an effort to coordinate the distribution of state aid to municipalities and counties and develop a formula that will best suit the needs of natural resources districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 441. Introduced by Brashear, 4; Schmitt, 41; Robak, 22.

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, SECOND 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 442. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to review the availability and quality of long-term care for Nebraskans with Alzheimer's disease.

Currently, 36,133 Nebraskans have Alzheimer's disease, a number that is expected to grow significantly in the next decade. Many are cared for in their homes, but many require out-of-home care in facilities. The study should examine the ability of the state's long-term care and assisted-living facilities to provide the specialized care required for these patients and patients with dementia, and examine the growing needs for the predicted growing numbers of such patients in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 443. Introduced by Bohlke, 33.

PURPOSE: This study shall cover the following topics and make recommendations for legislation:

- (1) Paying teachers for what they know and how they perform;
- (2) Creating and funding alternate pay scales for teachers who choose extended contracts;
- (3) Appropriate compensation levels for attracting and retaining quality teachers;
- (4) The impact of benefits as a part of total compensation for teachers;
- (5) Funding methods and sources for any increases in teacher compensation suggested by the task force;
- (6) Whether there should be greater control of the educational process and facilities for the schools by the State of Nebraska if the state provides substantial additional funding for teachers' salaries; and
- (7) Other topics as determined by the study committees.

The study committees shall hold at least one public hearing in each congressional district in Nebraska on the recommendations of the Teacher Salary Task Force before December 31, 2000.

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

1. That Education, Revenue, and Appropriations 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 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 444. Introduced by Bohlke, 33.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the status of school facilities in districts that primarily serve students residing on Indian land and to provide potential recommendations for assisting such districts to improve the status of their school buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 445. Introduced by Schrock, 38.

PURPOSE: To study issues raised by Legislative Bill 1244, Ninety-sixth Legislature, Second Session, 2000, including funding for the air quality permit program administered by the Department of Environmental Quality and caps on emissions fees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 446. Introduced by Byars, 30; Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the management and personnel structure and manpower needs of the Department of Roads.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Schrock, 38; Bromm, 23.

PURPOSE: The electric utility industry continues to undergo significant restructuring and deregulation. Nationally and regionally, public power entities and investor-owned power entities alike offer a wide range of products and services in addition to electricity. Investor-owned utilities operating in Nebraska, while not currently providing electric service, are offering other products and services in anticipation of a deregulated electric market. Accordingly, a study should be conducted of viability mechanisms for Nebraska's public power entities for the benefit of their customer-owners.

Study topics shall include, but are not limited to, the following areas:

(1) Regulatory, statutory, structural, and accounting issues which are relevant to public power districts, electric cooperatives, and municipalities in offering such expanded products and services;

(2) Issues surrounding the use of excess fiber optic cable capacity and

other telecommunications assets by public entities; and

(3) Any other topics deemed necessary to effectively carry out the purpose of this resolution.

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

1. That the Transportation and Telecommunications 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 their study make a report of their findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the interests of the State of Nebraska and its political subdivisions in the decision-making authority as to if and when railroad crossings will be closed.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 449. Introduced by Bromm, 23.

PURPOSE: To study the public policy and practical implications of a Pay-for-Stay program in both county and state incarceration facilities. The study should include, but not be limited to, an identification of current fees imposed on inmates, a review and recommendation concerning whether such fees should be modified, and an overview of the experience of other states and their political subdivisions in this area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 450. Introduced by Bromm, 23.

PURPOSE: To study the public policy and practical implications of requiring zoning and land use planners to be subject to an independent assessment and affirmation of their knowledge and skills through certification, licensing, or registration systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 451. Introduced by Price, 26.

WHEREAS, Sally G. Wysong has served the children of Lincoln and Nebraska in many ways over the years; and

WHEREAS, Sally was the owner-teacher of Meadowlane Nursery School from 1967 until 1998, caring for and providing early childhood education for a generation of Lincoln's children and for their children as well; and

WHEREAS, Sally served on the Board of Education of the Lincoln Public Schools from 1990 to 1998, serving as board president in 1994; and

WHEREAS, Sally has received numerous honors recognizing her loving service to children over the years, including the Lincoln Education Association Friend of Education Award in 1992; the Kiwanis Club Outstanding Service to Youth Award in 1992; the Lincoln YWCA Tribute to Women Award in 1994; the Award of Achievement from the Nebraska Association of School Boards in 1994, 1995, and 1997; the Outstanding Service to Children Award from the Nebraska Association for the Education of Young Children in 1995; induction into the Lincoln Public Schools Early Childhood Hall of Fame in 1997; the Guardian Angel Award from St. Elizabeth Regional Medical Center Halo Program in 1999; and the Good Neighbor Award from the Meadowlane Area Residents Association in 1999; and

WHEREAS, Sally was born May 7, 1939, and married David S. Wysong June 14, 1958, and holds bachelor's and master's degrees in education from the University of Nebraska-Lincoln; and

WHEREAS, Sally and David are the parents of 5 children, Wendy Rickett, Michael Wysong, Jody Donovan, Elizabeth Hoffart, and Megan Wysong, and 7 grandchildren, Hadyn, Chadae, and Max Rickett, Matthew and Patrick Donovan, and Mikey and Anna Grace Wysong.

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

1. That the Legislature recognizes and thanks Sally G. Wysong for her years of devoted service to generations of children and their families in

Lincoln and across the state.

2. That a copy of this resolution be sent to Sally G. Wysong.

Laid over.

LEGISLATIVE RESOLUTION 452. Introduced by Quandahl, 31.

PURPOSE: The Legislature finds that, as the telecommunications industry has expanded in importance, the issue of theft of cable and other telecommunications services has taken on additional dimensions. The Legislature shall conduct an interim study on the theft of cable and other telecommunications services to determine if current statutes should be strengthened or changed. The review may consist of, but not be limited to:

- (1) Theft of service as it relates to cable and telecommunications services;
- (2) Lost revenue to companies and municipalities attributable to unauthorized reception of cable signals;
- (3) Coordinating efforts among companies, law enforcement, and the justice system relating to theft of services; and
- (4) The effect on consumer access to emergency services of tampering with signals and network plant and in-house equipment.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion 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 812. Senator Beutler offered the following amendment:

AM3091

- 1 1. Insert the following new section:
- 2 "Section 1. The State Board of Education shall adopt
- 3 measurable model academic content standards for each grade level no
- 4 later than July 1, 2001. The standards shall cover the subject
- 5 areas of reading, writing, mathematics, science, social studies,
- 6 and history. The standards adopted shall be sufficiently clear and
- 7 measurable (1) to legally enable a periodic statewide assessment of
- 8 the mastering of the academic content by the public school students
- 9 of this state, (2) to use the results as accreditation indicators,
- 10 and (3) for use for other purposes designed to improve student
- 11 performance with respect to mastering of the content described in
- 12 the standards."
- 13 2. Renumber the remaining sections accordingly.

Senators Quandahl and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 453. Introduced by Dierks, 40.

PURPOSE: Recent international diplomatic activity has been directed toward regulating and facilitating trade in commodities and foodstuffs containing genetically-modified organisms (GMO's). The Biosafety Protocol, adopted by more than 130 countries on January 29, 2000, in Montreal, Canada, consumer resistance among the governments and populations of America's trading partners, and decisions by certain U.S. food exporters to exclude GMO's from exported products may lead to greater demand for segregation of GMO and non-GMO crops and labeling of food items containing GMO's. Additionally, domestic processors and growers may desire to respond to potential consumer demand in this country for products which are marketed as GMO free. In 2000, at least seven states considered legislation regarding labeling of consumer products with respect to GMO status and it is possible that similar legislation may be introduced in Nebraska. The purpose of this study resolution is to examine issues, difficulties, and potential benefits related to GMO labeling at the state level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 454. Introduced by Dierks, 40.

PURPOSE: As agriculture production is becoming increasingly integrated, more of the nation's crops and livestock are grown under production contract arrangements. Integration in swine production has been especially dramatic over the past decade. As recently as 1995, less than 35% of hogs were grown under contract. Today, nearly 75% of hogs are grown under a long-term procurement contract. The report of the Agriculture Structure Task Force (LB 730, 1999) recommended that the Legislature consider legislation, often described as a contractor bill of rights, to assure that contracts and other terms of trade have minimum fair standards, particularly where only one or two buyers are active in a given region. LB 1071, Ninety-

sixth Legislature, Second Session, 2000, introduced the concept of a contract/producer protection act. The purpose of this study is to examine issues associated with contract production and to determine appropriate actions to safeguard the economic and legal interests of producers under contractual arrangements. Among other things, the study shall specifically examine the ability of producers to form certified marketing associations to collectively bargain on behalf of producers, the vulnerability of producers when performance under the contract terms requires significant investments in facilities, and specific contract issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 455. Introduced by Dierks, 40.

PURPOSE: The use of a "ledger" contract and its variations in long-term hog procurement contracts has been increasingly criticized. Under this type of contract, producers incur a deficit on their accounts when prices fall below a certain price and receive a credit when prices rise above that price. The intent is to provide a stable price mechanism with the anticipation that the "ledger" account will, due to price fluctuations, more or less balance over a period of time. However, persistent low prices for swine have placed many producers in an impossibly negative position, potentially creating both financial and legal hardships for producers. The purpose of this study is to examine the prevalence of "ledger" contracts in livestock procurement and to examine the economic, legal, and social issues associated with the "ledger" contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 456. Introduced by Dierks, 40.

PURPOSE: The purpose of this study is to examine the potential of the Internet to enhance producers' ability to access markets, to form alliances and cooperatives, and to access information dedicated to helping farmers make intelligent decisions about their future. The study shall seek to identify

new areas in which the University of Nebraska Institute of Agriculture and Natural Resources, the Rural Development Commission, and the Department of Agriculture may provide services, courses, or information online to create new value-added, marketing, and career and employment opportunities for Nebraska farm families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 457. Introduced by Dierks, 40.

PURPOSE: The ability of concerted action by various states to influence federal policy has been demonstrated with the enactment of the federal Mandatory Livestock Price Reporting Act of 1999. While enactment of this law at the federal level had been advocated for many years by various segments of the livestock industry, this critical market reform was accomplished when Congress responded to several states enacting livestock reporting at the state level. The purpose of this resolution is to examine creating a compact or agreement among agricultural states to fund a state agricultural legislative clearinghouse among member states to create a library of common or innovative state laws and legislative objectives with respect to agriculture in order to better coordinate state efforts to influence federal policy and to coordinate state policies. The goal of the compact would be to compile and categorize state laws on various agriculturally-related subjects, to analyze trends in agriculture, and to recommend collective actions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 458. Introduced by Dierks, 40.

PURPOSE: Mergers, alliances, and various other arrangements are reducing the number of players in agricultural input supply, particularly in seeds, and increasing the level of concentration. But increasing levels of concentration among firms which had formerly been competitors does not tell the entire story. The revolution in ownership of germ plasm, the feature of cells that

determines the characteristics of offspring, also is moving rapidly toward concentration in a few, economically powerful players. For decades, land grant universities developed the basic genetic lines and made those lines available to the seed industry. Because of limitations on university funding and the near-revolution in genetic engineering, the private sector has emerged as a dominate figure in developing basic research. A landmark U.S. Supreme Court decision in 1980 allowing life forms to be patented and the Bayh-Dole Act of 1980 which dramatically changed the rules for patenting and licensure of discoveries arising from federally-funded research have created incentives to privatize the benefits of genetic research and genetic engineering.

The purpose of this resolution is to carry forth a recommendation of the Agricultural Structure Task Force to study the implications of recent trends, and the adequacy of Nebraska law for retaining some life forms, including germ plasm, in the public domain. The study shall specifically examine the forms of and prevalence of genetic and biotechnology research collaboration with the private sector at the University of Nebraska, policies and procedures followed by the university for the patenting and licensure of important research discoveries, the adequacy of public funding for basic genetic and biotechnology research, and whether recent developments in agricultural research are consistent with the university's land grant mission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 459. Introduced by Dierks, 40.

PURPOSE: LB 835, enacted in 1999, created the Competitive Livestock Markets Act. One of the elements of the act was a provision to protect swine producers from price discrimination by prohibiting packers from paying different prices to sellers of swine not based on differences in carcass merit or acquisition and transportation costs. Operability of this portion of the Competitive Livestock Markets Act has been indirectly preempted by federal price reporting legislation. Similar provisions in the states of South Dakota and Missouri have been struck down in federal district court decisions as an unreasonable burden on interstate commerce. The purpose of this study is to examine the desirability of retaining some manner of price discrimination protection for Nebraska producers and the form such protection should take to avoid Commerce Clause or other constitutional shortcomings. The study may include examination of enactment of a version of the Packers and Stockyards Act prohibition against any undue or unreasonable preference or advantage to any particular person or locality or any undue or unreasonable prejudice or disadvantage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 460. Introduced by Dierks, 40.

PURPOSE: To examine opportunities for producers and processors to collaborate in bringing greater value to agricultural production and enhancing farm income. The study shall examine formation of producer cooperatives, potential for greater levels of producer ownership in processing segments of the food chain, and other arrangements which the state may potentially encourage and develop to realize innovative marketing strategies enabling producers to share a greater portion of the consumer food dollar.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 461. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the recodification of the statutes relating to the Public Service Commission.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 462. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the frequency of reissuance of license plates in Nebraska, the use of one

license plate on Nebraska vehicles, and the use of specialty and personalized license plates in Nebraska.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 463. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the theft of telecommunications services.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 464. Introduced by Bromm, 23.

PURPOSE: To study the public policy and practical implications of authorizing the state to enforce child care expenses under child support orders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 465. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the funding of railroad crossing safety improvement projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 466. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the liability and legal obligations for railroad crossing safety.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 467. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the implementation of increasing the application fees and hearing fees charged by the Public Service Commission.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 468. Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues surrounding the recruitment and retention of carrier enforcement officers.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the

purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 469. Introduced by Brashear, 4; Chambers, 11.

PURPOSE: To conduct a study of the policies and procedures, including the adoption, implementation, operation, effectiveness, and fairness thereof, of the Department of Correctional Services. Following the study, recommendations should be made, if necessary, to address any problems with the current system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 470. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine issues raised by the introduction of LB 1095 (2000) and LB 1195 (2000), the repeal of state statutes relating to the certificate of need program, the growing number of health care facilities that are providing outpatient surgical and other health care services, and the need for adequate information relating to the provision of such services in order to appropriately assess their effect on health care access, cost, and quality in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 471. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Dickey, 18; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

PURPOSE: The purpose of this study is to examine health and human services issues. Such issues shall include, but not be limited to, the Nebraska Health Care Funding Act, the Nebraska Mental Health Commitment Act, mental health services, the role and mission of the regional centers, assertive community treatment, implementation of the federal Ticket to Work and Work Incentives Act, early childhood care and education, child support enforcement, implementation of the State Disbursement Unit, welfare reform, TANF funding, marriage and family, teenage pregnancy, placement and care of state wards, juvenile justice, developmental disabilities services, licensing of health care professionals and facilities, health insurance, prescription drugs, rural health, minority health, health care quality, health care availability and affordability, availability of health care providers, public health development, implementation of the Public Health Improvement Plan, tobacco control and cessation, health and human services funding, health and human services statutes, and the Nebraska Health and Human Services System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 472. Introduced by Jensen, 20.

PURPOSE: The purpose of this resolution is to study the effect of obesity on costly health complications in both adults and children. Components of this study may include, but not be limited to: (1) Examination of the causal relationship which exists between obesity and a number of serious medical disorders, including hypertension, dyslipidemia, cardiovascular disease, diabetes (type two), gallbladder disease, respiratory dysfunction, gout, and osteoarthritis; (2) review of the direct costs of obesity-related diseases in Nebraska and whether there is a significant potential for reduction in health care expenditures through obesity prevention efforts; (3) consideration of efforts which may be undertaken to promote and maintain an obesity awareness prevention and education program to increase public awareness of the causes of obesity, the value of early identification of risk factors, and options for prevention and treatment of obesity; and (4) analysis of the effect that obesity in children has on overall health in children, health care costs for children, and a review of treatment modalities to address the problem of obesity in children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 473. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

PURPOSE: To examine the issues associated with providing a state-of-the-art driver's license and identification card system utilizing digital technology security features in Nebraska.

LB 704 was enacted in 1999. Among other things, LB 704 provided for the implementation of an interactive driver's license application process, the issuance of a driver's license in any county, and the centralization of out-of-state driver's license renewal with the Department of Motor Vehicles. The programming for the interactive driver's license application process is underway and is the essential foundation for the promotion of a technologically advanced driver's license and identification card system.

This study should include the following elements:

(1) Review of the transitional procedures and statutory changes necessary to convert from the current photograph-style license and identification card to the digital format license and identification card;

(2) Examination of the available security features, including capture and storage of a digital image, capture and storage of a digitized signature, and creation of a tamper-proof driver's license and identification card through the use of holograms, biometrics, security threads, or encrypted or unique algorithmic numbers within a two-dimensional bar code or magnetic strip;

(3) Determination of the impact of digital technology security features on the issuance of fraudulent drivers' licenses and identification cards, identity theft, validation of identity at issuance or replacement of a driver's license and identification card, prevention of underage drinking, and underage purchase of tobacco products;

(4) Examination of the cost and the factors that determine the cost of implementation of digital imaging for drivers' licenses and identification cards, including over-the-counter issuance, central issuance, or a combination of over-the-counter and central issuance;

(5) Review of customer service issues related to digital imaging, including the impact of a change in technology on the issuance of licenses and cards and the renewal of licenses and cards from a central location;

(6) Review of potential benefits to public and private sector entities; and

(7) Review of the feasibility of the continuation of a photograph-style driver's license and identification card.

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

1. That the Transportation and Telecommunications Committee of the

Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Transportation and Telecommunications Committee shall invite individuals, representatives of the Department of Motor Vehicles, the Department of Roads, and other interested state agencies, all interested members of the Legislature, and members of the public to participate and assist the committee in its study.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 474. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine state policies relating to career preparation and technical education programs in Nebraska. This shall include, but not be limited to, the following issues:

(1) The purpose, role, and mission of career preparation and technical education programs;

(2) The prevalence of and need for career preparation and technical education programs at both the middle school and high school levels;

(3) The funding for career preparation and technical education programs, curriculum, and equipment at both the middle school and high school levels;

(4) The availability of teachers of career preparation and technical education and the status of career preparation and technical teacher education programs;

(5) The need for career preparation and technical education articulation programs in high schools and postsecondary educational institutions; and

(6) The feasibility of operating different delivery systems for career preparation and technical education programs, including a career preparation and technical high school or schools.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study, and shall coordinate its study efforts with the State Department of Education, to carry out the purposes of this resolution.

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

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 475. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to examine the Farm Labor Contractors Act and the state policies relating to farm labor contracts including, but not limited to:

(1) The fees associated with obtaining a license under the act, including

how the fees are used and if the amount is proportionate to the expenditures of enforcing the act; and

(2) The requirements to qualify for an exemption under the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 803. Placed on General File as amended.

(Standing Committee amendment, AM2970, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 968, 968A, 1213, 1363, and 1363A.

Enrollment and Review Change to LB 968

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

ER9146

1. Changes have been made as necessary to incorporate all adopted amendments.

2. On page 1, the matter beginning with "revenue" in line 1 through line 12 and all amendments thereto have been struck and "government; to amend sections 10-126, 13-502, 18-2601 to 18-2603, 18-2606 to 18-2608, 23-355.01, 57-239, 60-106, 76-214, 77-115, 77-609, 77-1210, 77-1331, 77-1332, 77-1343, 77-1346 to 77-1348, 77-1371, 77-1704, 77-1705, 77-1721, 77-1738, 77-1739, 77-1801, 77-1862, 77-4105, 79-1081, 79-1082, 84-304, and 84-1411, Reissue Revised Statutes of Nebraska, sections 30-2467, 30-2469, 77-112, 77-202.02, 77-202.04, 77-202.05, 77-3,119, 77-623, 77-801, 77-801.01, 77-802.01, 77-802.02, 77-1229, 77-1249, 77-1344, 77-1345, 77-1381, 77-1716, 77-1717, 77-1718, 77-5009, and

77-5023, Revised Statutes Supplement, 1998, sections 13-501, 13-503, 13-504, 23-3202, 35-1303, 51-805, 77-101, 77-202.01, 77-202.03, 77-202.11, 77-202.12, 77-421, 77-684, 77-1233.04, 77-1504.01, 77-1514, 77-1701, 77-27,139.03, 77-5016, 77-5019, 79-1016, and 79-1072.04, Revised Statutes Supplement, 1999, section 77-1361, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 419, Ninety-sixth Legislature, Second Session, 2000, and Laws 1999, LB 271, section 10; to change provisions relating to political subdivision bonds and budgets, county assessors, estate filings, real estate transfer statements, tax levies, tax valuation, tax assessment, tax exemptions, payment and collection of taxes, state aid to municipalities, joint public agencies, the Tax Equalization and Review Commission, school finance, and duties of the Auditor of Public Accounts; to transfer certain duties to the Property Tax Administrator; to change the operative date of changes made by Laws 1999, LB 271; to eliminate definitions and budget and tax appraisal and collection provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 13-515, 77-110, 77-210, 77-1213, and 77-1333, Reissue Revised Statutes of Nebraska, and section 77-398, Revised Statutes Supplement, 1998; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1363

The following changes, required to be reported for publication in the Journal, have been made:
ER9145

1. On page 1, the matter beginning with "immigrant" in line 1 through line 2 and all amendments thereto have been struck and "labor; to create the Task Force on the Productive Integration of the Immigrant Workforce Population; to provide for a Meatpacking Industry Worker Rights Coordinator; to provide powers and duties; to create a fund; and to provide a termination date." inserted.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 812. Senator Beutler offered the following amendment:

AM3089

- 1 1. Insert the following new section:
- 2 "Section 1. Every parent and grandparent shall convey
- 3 with love to every child and grandchild, at every teachable moment,
- 4 the joy and power of learning."
- 5 2. Renumber the remaining sections accordingly.

Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:
AM3092

- 1 1. Strike original sections 7 and 11 and all amendments
2 thereto and insert the following new section:
3 "Section 1. (1) Beginning with the 2000-01 school year,
4 the State Department of Education shall implement a student
5 assessment program under which the department shall administer
6 statewide assessments adopted by the State Board of Education to
7 all public school students in the areas of reading, writing,
8 science, mathematics, social studies, and history according to an
9 implementation schedule to be determined by the state board.
10 (2) The department shall maintain the results of the
11 assessments administered under this section and shall consider the
12 results as accreditation indicators. The assessment shall measure
13 the performance of students against the state model academic
14 content standards and shall be given to students in the same three
15 selected grade levels each year. The assessment shall include one
16 statewide test customized to align with the state model academic
17 content standards. The state board shall adopt special criteria
18 for students with disabilities, students entering the school for
19 the first time, and students with limited English proficiency. The
20 assessment and all reporting relating to the assessment shall
21 protect the confidentiality of individual students. All school
22 districts shall participate in the assessment and provide any
23 assistance requested by the department.
24 (3) The department shall prepare an annual report of the
1 results of the assessments to the Education Committee of the
2 Legislature and the Governor. The report shall also be made
3 available upon request to members of the public. In the report,
4 the department shall present the percentage of students achieving
5 each of the performance levels specified by the state board,
6 calculated for the state as a whole, for each school district, and
7 by school building. The report shall show how well public schools
8 are performing in terms of the learning of public school students
9 related to the state model academic content standards and shall
10 provide for a comparison of public schools to their peers and to
11 school districts in other states.
12 (4) The department shall adopt and promulgate rules and
13 regulations to carry out this section."
14 2. Renumber the remaining sections accordingly.

Senator Hudkins asked unanimous consent to be excused until she returns.
No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Kremer asked unanimous consent to be excused until he returns. No
objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not
voting, and 3 excused and not voting.

LEGISLATIVE BILL 812A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 476. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

PURPOSE: To study the federal Workforce Investment Act which will replace the Job Training Partnership Act on July 1, 2000. The study will address how legislation should be drafted so that Nebraska may comply with the federal law as well as state constitutional law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 477. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

PURPOSE: To study the concept of drug-free workplace legislation in Nebraska for the purpose of a workers' compensation insurance premium reduction for those companies that maintain a drug-free workplace program in compliance with such statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 478. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

PURPOSE: To study the issue of genetic discrimination. The study will examine, but not be limited to, the following issues: (1) Whether protection from job discrimination, due to genetic pre-disposition, is a disability issue; and (2) privacy concerns related to genetic testing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 479. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

PURPOSE: To study the workers' compensation and unemployment compensation laws of Nebraska. The study will consider, but not be limited to, the following:

(1) Consideration of issues of fraud by the employee or employer and whether sufficient sanctions exist to deter fraud;

(2) Consideration of legal costs associated with the appeals process for employers in the Workers' Compensation Court; and

(3) Consideration of the standards used for determining loss of earning capacity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 480. Introduced by Business and Labor Committee: Vrtiska, 1, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Redfield, 12; Schimek, 27.

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, SECOND 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 481. Introduced by Crosby, 29.

PURPOSE: The purpose of this interim study is to explore joint custody options, both physical (shared) and legal and to compare the joint custody outcomes to those of sole custody. This study shall include, but not be limited to:

- (1) The effect on children mentally, physically, and behaviorally;
- (2) The effect on child support payments;
- (3) The effect on the relationship between the parents;
- (4) Whether current law allows significant parental involvement by both parents;
- (5) An overview of the outcomes of other states who have enacted a presumption of joint custody;
- (6) The effect of ordering joint custody, physical or legal, on the child without the consent of both parents;
- (7) The rates of involvement with regard to active parenting;
- (8) How arguments between parents are worked out in joint legal custody situations versus sole custody awards;
- (9) The effect of joint custody on families receiving welfare;
- (10) Other socio-economic consequences to children and their parents when joint custody is awarded as compared to sole custody; and
- (11) Recommendations on any appropriate statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 482. Introduced by Landis, 46.

WHEREAS, American Mothers was organized sixty years ago to preserve and strengthen the American family and home; and

WHEREAS, Congress has authorized American Mothers, Inc., to choose the National Mother of the Year in honor of the role that mothers play in the lives of their families, their communities, and the world; and

WHEREAS, Nebraska has had an unprecedented six mothers honored as National Mother of the Year; and

WHEREAS, Jacqueline "Jac" Spahn of Lincoln, NE, a devoted mother and wife, has established a solid family foundation built on love and understanding and has been selected as the Nebraska Mothers Association's Young Mother Representative for 2000.

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

1. That the Legislature recognizes and commends Jac Spahn and the Nebraska Mothers Association for their work and devotion to the qualities and values which underlie family life. Together they reflect the purpose of American Mothers: To strengthen the moral and spiritual foundations of the family and home.

2. That a copy of this resolution be sent to Jacqueline Spahn and to the Nebraska Mothers Association.

Laid over.

LEGISLATIVE RESOLUTION 483. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study the impact of the enactment of S. 900, commonly known as the "Gramm-Leach-Bliley Financial Services Modernization Act", on the regulation of financial services by the State of Nebraska, including such regulation as it relates to consumer privacy protection.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 484. Introduced by Hartnett, 45.

PURPOSE: To examine natural gas service in Nebraska municipalities. Specifically, this study shall:

(1) Determine which cities and villages in Nebraska do not currently have access to natural gas service;

(2) Determine why such service is not being provided;

(3) Determine what barriers exist to providing such service; and

(4) Analyze the existing situation to determine (a) if there is an appropriate role for the state in removing existing barriers to such service or in helping such municipalities to obtain such service and (b) what state resources may be available to assist in this process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 485. Introduced by Hartnett, 45.

PURPOSE: Over the course of the past several legislative sessions, the Urban Affairs Committee has been called upon to review several legislative proposals dealing broadly with the structure of local municipal government: The roles of the mayor and city council, the duties and functions of the various municipal officers, the powers granted to the city administrator, the distinctions between classes of municipalities and the powers granted to them, and the desirability of crafting a meaningful constitutional amendment to define the powers of a municipality in adopting or amending a home rule charter.

While this list is not comprehensive, it summarizes some of the key issues in local municipal government operation which have not been addressed in any structured, cohesive, or comprehensive manner for several decades.

The purpose of this study will be to review the existing statutes governing the structure and operations of the various classes of municipalities (as opposed to the forms of power or authority granted to them) to identify key issues and problems and determine (1) if significant structural revisions are appropriate and (2) if appropriate, what form such revisions should take.

The study may involve the survey of municipal officials on the subjects of the study or the creation of a representative working group or groups of such officials to advance the purposes of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

GENERAL FILE

LEGISLATIVE BILL 1010. Title read. Considered.

The Standing Committee amendment, AM2876, found on page 1164, was considered.

Senators Wickersham and Baker offered the following amendment to the Standing Committee amendment:

AM3105

(Amendments to Standing Committee amendments, AM2876)

- 1 1. On page 1, strike beginning with "determines" in line
- 2 9 through the second "different" in line 12 and insert "establishes
- 3 a higher value pursuant to section 72-257 or 72-258, in which case
- 4 that"; and in line 13 after "value" insert "for sale purposes".
- 5 2. On page 2, line 22, strike "representative", show as
- 6 stricken, and insert "certified general real estate appraiser".

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

EASE

The Legislature was at ease from 5:47 p.m. until 6:11 p.m.

SENATOR CUDABACK PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 1010. The Wickersham-Baker pending amendment, AM3105, found in this day's Journal, to the Standing Committee amendment, was renewed.

PRESIDENT MAURSTAD PRESIDING

Senator Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Wickersham-Baker amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Pending.

RESOLUTIONS**LEGISLATIVE RESOLUTION 486.** Introduced by Schimek, 27.

PURPOSE: Volunteer emergency medical response personnel and volunteer firefighters provide a valuable service to our state. Their dedication and sacrifice provide life-saving assistance to many communities and individuals. The people who volunteer their time are finding it more difficult to provide these services due to costs of education and time away from the workplace. Employers also shoulder a cost when the employees are absent from the workplace.

Smaller communities across Nebraska are having a hard time providing the services staffed by these volunteers. Communities are facing the tough decisions to reduce services due to lack of qualified personnel to fill these positions.

The state must try to ensure that emergency medical technicians and volunteer firefighters are given the support they need in order to continue. The safety and well-being of the citizens of this state, the plight of communities facing the loss or reduction of these services, and the employer of the volunteers shall be taken into consideration.

An interim study shall be conducted and shall include, but not be limited to:

(1) An inquiry into the amount of personal monetary contributions that are made by volunteer emergency medical response personnel and volunteer firefighters to our communities;

(2) An inquiry into the cost to employers when employees receive time off to attend emergency medical response and firefighting training sessions and when on emergency calls;

(3) A review of the number of emergency medical and fire calls received and responded to by volunteer emergency medical response personnel and volunteer firefighters; and

(4) An inquiry into the difficulty in finding personnel to volunteer their time as volunteer emergency medical response personnel and volunteer firefighters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 by December 1, 2000.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 487. Introduced by Smith, 48; Connealy, 16; Stuhr, 24; Kremer, 34; Baker, 44; Wickersham, 49; Matzke, 47; Price, 26.

PURPOSE: The University of Nebraska Institute of Agriculture and Natural Resources (IANR) was established by the Legislature in 1973. The institute provides education, research, and service programs relating to food, agriculture, agribusiness, natural resources, and human resources. Among the specialized centers and units under the auspices of the institute are the Agriculture Research and Development Center in Mead, the Biological Chemistry Center, the Biotechnology Center, the Center for Grassland studies, the Communications and Information Technology Unit, the Food Processing Center, the 4-H Development Unit, the Great Plains Regional Center for Global Environmental Change, the Industrial Agricultural Products Center, the Leadership Development Center, the Nebraska Forest Services, the Nebraska Industrial Competitive Server, the Nebraska Statewide Arboretum, the Rural Community Revitalization and Development Center, the Sustainable Agricultural Systems Center, and the Water Center and Environmental Programs. While the administrative headquarters are located at the University of Nebraska-Lincoln (UNL), faculty of the institute are not only located on the UNL campus but also at Research and Extension Centers in Clay Center, Concord, Lincoln, North Platte, and Scottsbluff, at the Nebraska College of Technical Agriculture in Curtis, at university-affiliated sites in Grand Island, Norfolk, and Omaha, and in most of Nebraska's ninety-three counties. The purpose of this interim study is to examine:

(1) The priorities of the University of Nebraska for the IANR relating to the university's commitment to, and current and future funding for, the IANR; and

(2) The commitment of the University of Nebraska-Lincoln campus to enhancing the IANR's purpose of maintaining the mission of a land grant university and meeting the needs of Nebraska's agricultural and natural resources across the state through extension services, research, and education.

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

1. That the Education Committee and Agriculture 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 their study make a report of their findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 1115:
AM3054

(Amendments to E & R amendments, AM7246)

1. 1. Insert the following new section:
2. "Sec. 15. Section 71-1,107.16, Revised Statutes
- 3 Supplement, 1999, is amended to read:

- 4 71-1,107.16. For purposes of sections 71-1,107.15 to
5 71-1,107.30, unless the context otherwise requires:
- 6 (1) Approved program ~~shall mean~~ means a program for the
7 education of physician assistants which the board formally
8 approves;
- 9 (2) Board ~~shall mean~~ means the Board of Medicine and
10 Surgery;
- 11 (3) Department ~~shall mean~~ means the Department of Health
12 and Human Services Regulation and Licensure;
- 13 (4) Physician assistant ~~shall mean~~ means any person who
14 graduates from a program approved by the Commission on
15 Accreditation of Allied Health Education Programs or its
16 predecessor or successor agency and the board, who satisfactorily
17 completes a proficiency examination, and whom the board, with the
18 concurrence of the department, approves to perform medical services
19 under the supervision of a physician or group of physicians
20 approved by the board to supervise such assistant;
- 21 (5) Supervision ~~shall mean~~ means the ready availability
22 of the supervising physician for consultation and direction of the
23 activities of the physician assistant. Contact with the
1 supervising physician by telecommunication shall be sufficient to
2 show ready availability if the board finds that such contact is
3 sufficient to provide quality medical care. The level of
4 supervision may vary by geographic location as provided in section
5 71-1,107.17;
- 6 (6) Trainee ~~shall mean~~ means any person who is currently
7 enrolled in an approved program;
- 8 (7) Proficiency examination ~~shall mean~~ means the initial
9 proficiency examination approved by the board for the licensure of
10 physician assistants, including, but not limited to, the
11 examination administered by the National Commission on
12 Certification of Physician Assistants or other national
13 organization established for such purpose that is recognized by the
14 board;
- 15 (8) Supervising physician ~~shall mean~~ means a (a)
16 board-approved physician who utilizes an approved physician
17 assistant or (b) backup physician;
- 18 (9) Backup physician ~~shall mean~~ means a physician
19 designated by the supervising physician to ensure supervision of
20 the physician assistant in the supervising physician's absence. A
21 backup physician shall be subject to the same requirements imposed
22 upon the supervising physician when the backup physician is acting
23 as a supervising physician; and
- 24 (10) Committee ~~shall mean~~ means the Physician Assistant
25 Committee created in section 71-1,107.25."
- 26 2. On page 115, line 19, after the last comma insert
27 "71-1,107.16,".
- 1 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1010. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA347

Amend AM3105

P. 1, line 4, strike "sale purposes" and insert "purposes of sale."

Senators Bohlke, Price, Suttle, and Thompson asked unanimous consent to be excused. No objections. So ordered.

Senator Jones 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 Chambers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

Senator Beutler asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Aguilar	Baker	Bourne	Brashear	Bromm
Bruning	Byars	Coordsen	Dickey	Engel
Hilgert	Janssen	Jones	Kremer	Matzke
Pedersen, Dw.	Quandahl	Raikes	Redfield	Schmitt
Schrock	Smith	Stuhr	Tyson	Wehrbein
Wickersham				

Voting in the negative, 10:

Chambers	Connealy	Crosby	Cudaback	Dierks
Hartnett	Kristensen	Robak	Schimek	Vrtiska

Present and not voting, 5:

Brown	Jensen	Kiel	Lynch	Pederson, D.
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Excused and not voting, 8:

Beutler	Bohlke	Hudkins	Landis	Preister
Price	Suttle	Thompson		

Advanced to E & R for review with 26 ayes, 10 nays, 5 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1405:
AM3093

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. It is unlawful for any person to knowingly
- 4 acquire, receive, or otherwise transfer any human fetal tissue for
- 5 valuable consideration.
- 6 Sec. 2. For purposes of this act:
- 7 (1) Human fetal tissue means tissue or cells obtained
- 8 from a dead human embryo or fetus after a spontaneous or induced
- 9 abortion or after a stillbirth; and
- 10 (2) Valuable consideration does not include reasonable
- 11 payments associated with the transportation, implantation,
- 12 processing, preservation, quality control, or storage of human
- 13 fetal tissue.
- 14 Sec. 3. It is unlawful for any person to solicit or
- 15 knowingly acquire, receive, or accept a donation of human fetal
- 16 tissue for purposes of transplantation of such tissue into another
- 17 person, if the tissue will be or is obtained pursuant to an induced
- 18 abortion and:
- 19 (1) The donated human fetal tissue will be or is made
- 20 pursuant to a promise to the donating individual that the donated
- 21 human fetal tissue will be transplanted into a recipient specified
- 22 by such individual;
- 23 (2) The donated human fetal tissue will be transplanted
- 24 into a relative of the donating individual; or
- 1 (3) The person who solicits or knowingly acquires,
- 2 receives, or accepts the donated human fetal tissue has provided
- 3 valuable consideration for the costs associated with such abortion.
- 4 Sec. 4. Any person who violates sections 1 to 3 of this
- 5 act is guilty of a Class IV felony."

Senator Brashear filed the following amendments to LB 1405:

(1)

AM3106

(Amendments to AM2891)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. Strike section 4 and insert the following new
- 4 section:
- 5 'Sec. 6. Any medical professional who prescribes a drug
- 6 or therapy or requests performance of a diagnostic procedure, which
- 7 drug, therapy, or diagnostic procedure was derived from aborted
- 8 fetal tissue or research using aborted fetal tissue, shall disclose

- 9 to the patient the origin of the drug, therapy, or diagnostic
10 procedure.'.
- 11 2. On page 2, strike beginning with the comma in line 26
12 through the third comma in line 27 and insert 'derived from state'.
- 13 3. On page 3, line 9, strike 'or 4'; and strike
14 beginning with 'If' in line 12 through the period in line 19.
- 15 4. Renumber the remaining sections and correct internal
16 references accordingly."

(2)

AM3107

(Amendments to AM2939)

- 1 1. On page 1, line 1, strike "6" and insert "4".
- 2 2. Insert the following amendments:
- 3 "2. On page 2, strike beginning with the comma in line
4 26 through the third comma in line 27 and insert 'derived from
5 state'.
- 6 3. On page 3, line 9, strike 'or 4'; and strike
7 beginning with 'If' in line 12 through the period in line 19.
- 8 4. Renumber the remaining sections and correct internal
9 references accordingly."

(3)

AM3108

(Amendments to AM2940)

- 1 1. On page 1, line 1, strike "5" and insert "4".
- 2 2. Strike amendment 2 and insert the following new
3 amendments:
- 4 "2. On page 2, strike beginning with the comma in line
5 26 through the third comma in line 27 and insert 'derived from
6 state'.
- 7 3. On page 3, line 9, strike 'or 4'; and strike
8 beginning with 'If' in line 12 through the period in line 19.
- 9 4. Renumber the remaining sections and correct internal
10 references accordingly."

(4)

AM3109

(Amendments to AM2938)

- 1 1. Strike amendment 1 and insert the following new
2 amendments:
- 3 "1. Strike section 4.
- 4 2. On page 2, strike beginning with the comma in line 26
5 through the third comma in line 27 and insert 'derived from state'.
- 6 3. On page 3, line 9, strike 'or 4'; and strike
7 beginning with 'If' in line 12 through the period in line 19.
- 8 4. Renumber the remaining sections and correct internal
9 references accordingly."

(5)

AM3110

(Amendments to AM2941)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. Strike section 4.
- 4 2. On page 2, strike beginning with the comma in line 26
- 5 through the third comma in line 27 and insert 'derived from state'.
- 6 3. On page 3, line 9, strike 'or 4'; and strike
- 7 beginning with 'If' in line 12 through the period in line 19.
- 8 4. Renumber the remaining sections and correct internal
- 9 references accordingly."

(6)

AM3111

(Amendments to AM3093)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendments:
- 3 "1. Strike section 4.
- 4 2. On page 2, strike beginning with the comma in line 26
- 5 through the third comma in line 27 and insert 'derived from state'.
- 6 3. On page 3, line 9, strike 'or 4'; and strike
- 7 beginning with 'If' in line 12 through the period in line 19.
- 8 4. Renumber the remaining sections and correct internal
- 9 references accordingly."

(7)

AM3112

- 1 1. Strike section 4.
- 2 2. On page 2, strike beginning with the comma in line 26
- 3 through the third comma in line 27 and insert "derived from state".
- 4 3. On page 3, line 9, strike "or 4"; and strike
- 5 beginning with "If" in line 12 through the period in line 19.
- 6 4. Renumber the remaining sections and correct internal
- 7 references accordingly.

Senator Chambers filed the following amendment to LB 1101:

AM3114

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 81-2210, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-2210. Community aging services ~~shall mean~~ means those
- 6 activities and services which fulfill the goals of the Nebraska
- 7 Community Aging Services Act, which are necessary to promote,
- 8 restore, or support self-sufficiency and independence for older
- 9 individuals persons, and which include: (1) Congregate (+)
- 10 ~~congregate~~ activities, including, but not limited to, senior
- 11 centers, group meals, volunteerism, adult day ~~care~~ services, and

12 recreation; and (2) individual services, including, but not which
13 may include, but shall not be limited to, specialized
14 transportation, meals-on-wheels, home handyman services, home
15 health care services, legal services, and counseling related to
16 problems of aging or encouraging access to aging services, and
17 senior companion volunteer services.

18 Sec. 2. Sections 2 to 12 of this act shall be known and
19 may be cited as the Nebraska Senior Companion Volunteer Program
20 Act.

21 Sec. 3. The purpose of the Nebraska Senior Companion
22 Volunteer Program Act is to provide volunteer community service
23 opportunities to low-income older persons for the benefit of frail
24 elderly persons with special needs.

1 Sec. 4. For purposes of the Nebraska Senior Companion
2 Volunteer Program Act:

3 (1) Department means the Department of Health and Human
4 Services;

5 (2) Direct service contractor means any public or private
6 nonprofit organization that (a) is not currently receiving federal
7 funding for the federal senior companion program and (b)
8 demonstrates the ability to provide the services specified in
9 section 6 of this act;

10 (3) Frail elderly means a person who (a) is sixty years
11 of age or older, (b) has a physical, mental, or emotional health
12 limitation, and (c) needs assistance to achieve and maintain
13 independent living; and

14 (4) Senior companion volunteer means an individual who
15 (a) is sixty years of age or older, (b) has an annual income not
16 exceeding one hundred twenty-five percent of the federal poverty
17 level, (c) is determined by a physical examination to be capable,
18 with or without reasonable accommodation, of serving adults with
19 special needs without detriment to himself or herself or the
20 persons served, and (d) provides services at least four hours a
21 day, four days a week.

22 Sec. 5. The department shall establish and coordinate
23 the Nebraska Senior Companion Volunteer Program and shall utilize
24 senior companion volunteers provided by one or more direct service
25 contractors.

26 Sec. 6. A direct service contractor:

27 (1) May apply to the department for a grant pursuant to
1 section 10 of this act;

2 (2) Shall recruit, select, train, and assign staff and
3 senior companion volunteers;

4 (3) Shall provide for supervision of volunteers;

5 (4) Shall provide or arrange for meals and transportation
6 for senior companion volunteers if funds are available; and

7 (5) Shall maintain a systematic means of capturing and
8 reporting all program data required by the department.

9 Sec. 7. The Nebraska Senior Companion Volunteer Program

10 shall provide companion services to the frail elderly who (1) are
11 bedfast or too frail or too ill to be transported to special
12 programs, (2) have withdrawn from all social interaction or are
13 confined due to psychological problems, or (3) desire but are
14 unable to participate in adult day services programs because
15 openings are unavailable.

16 Sec. 8. Senior companion volunteers providing companion
17 services pursuant to the Nebraska Senior Companion Volunteer
18 Program Act shall receive (1) transportation expenses for
19 transportation to and from their residences and the place where
20 services are to be rendered, (2) one free meal when reasonably
21 available during each day that services are rendered, and (3)(a)
22 accident and liability insurance, (b) an annual physical
23 examination, and (c) a nontaxable hourly stipend of two dollars and
24 fifty-five cents per hour.

25 Sec. 9. Senior companion volunteers shall not be
26 assigned to individuals already receiving in-home supportive
27 services through the department or another entity of state or local
1 government.

2 Sec. 10. (1) The department shall make grants in an
3 amount not to exceed fifty thousand dollars to direct service
4 contractors and shall give preference to applications for grants to
5 provide in-home services.

6 (2) Applications shall be made on forms provided by the
7 department.

8 (3) No grant shall be approved for any applicant who has
9 received federal funding to provide services under any federal
10 senior companion volunteer program.

11 (4) As a condition to receiving a grant, an applicant
12 shall obtain at least ten percent matching funds from a local
13 governmental or other source.

14 (5) Grants shall be for a period of twenty-four months
15 and shall not be used as matching funds but solely to carry out the
16 requirements of the Nebraska Senior Companion Volunteer Program
17 Act.

18 (6) No person paid from grant funds shall replace any
19 staff member of the grantee.

20 Sec. 11. Each grantee shall file with the department a
21 quarterly report of its activities on forms provided by the
22 department.

23 Sec. 12. The department shall adopt and promulgate rules
24 and regulations to carry out the Nebraska Senior Companion
25 Volunteer Program Act.

26 Sec. 13. Original section 81-2210, Reissue Revised
27 Statutes of Nebraska, is repealed."

Senator Beutler filed the following amendment to LB 1234:
AM3104

(Amendments to Standing Committee amendments, AM2553)

- 1 1. Insert the following new sections:
2 "Sec. 5. The Legislature finds that (1) existing
3 monitoring of ground water quality performed by natural resources
4 districts is excellent and deserves recognition, (2) substantial
5 efforts have been undertaken by the Department of Environmental
6 Quality to monitor surface water quality, and (3) it is within the
7 state's capacity to develop a comprehensive, integrated statewide
8 water quality monitoring system.
- 9 Sec. 6. The Department of Environmental Quality shall
10 conduct a comprehensive study of water quality monitoring in
11 Nebraska pursuant to section 7 of this act. In preparing Phase I
12 of the study, the department shall work with and consult an
13 advisory committee consisting of a designee from each of the
14 following: The American Consulting Engineers Council of Nebraska,
15 the Department of Agriculture, the Nebraska Natural Resources
16 Commission, the Department of Health and Human Services Regulation
17 and Licensure, the Department of Water Resources, the League of
18 Nebraska Municipalities, the Nebraska Association of Resource
19 Districts, the Nebraska Game and Parks Commission, the United
20 States Geological Survey, and the University of Nebraska. The
21 advisory group for Phase II of the study shall include the members
22 listed in this section for Phase I and be expanded to include all
23 groups found by the Department of Environmental Quality to be
1 significant stakeholders in the water quality area. Phase I of the
2 study shall be presented to the Natural Resources Committee of the
3 Legislature on or before December 1, 2000, and Phase II shall be
4 presented to the committee on or before June 30, 2001.
- 5 Sec. 7. (1) The study required by section 6 of this act
6 consist of two phases. Phase I of the study shall consist of an
7 assessment of Nebraska's current water quality monitoring efforts
8 and shall address, but not be limited to, the following:
9 (a) A detailed description of all current water quality
10 monitoring efforts at the state and local levels, including scope,
11 location, timing, procedure, number of personnel, state agency or
12 local government involved, and funding;
13 (b) An analysis of current water quality monitoring
14 efforts, indicating what the existing system does well and fails to
15 do or does inadequately. The analysis shall address, but not be
16 limited to, the following questions:
17 (i) Is the current number of monitoring sites sufficient
18 to provide accurate information on water quality in all regions of
19 the state;
20 (ii) Is the current frequency of monitoring efforts
21 sufficient to provide an accurate measurement of changes in water
22 quality over time;
23 (iii) Are the current methods of sample collection and
24 analysis scientifically sound and is the collection of samples and
25 subsequent testing conducted in a manner which reasonably assures
26 accurate measurements;

- 27 (iv) Is the current reporting process timely and does it
 1 present information to policymakers in an understandable and usable
 2 form;
- 3 (v) Is the current coordination of monitoring efforts
 4 between the Department of Environmental Quality, natural resources
 5 districts, and county or local governments sufficient; and
- 6 (vi) Does the current system provide a mechanism insuring
 7 statewide or regional coordination of water quality monitoring
 8 efforts when desirable.
- 9 (2) Phase II of the study shall utilize the information
 10 gathered during Phase I and shall consist of a detailed description
 11 of the changes required in the current system to establish a
 12 comprehensive, integrated statewide water quality monitoring
 13 system, including preferred alternatives if multiple options exist.
 14 The proposed monitoring system shall include, but not be limited
 15 to, the following:
- 16 (a) Recommended monitoring site locations;
- 17 (b) A description of acceptable monitoring techniques;
- 18 (c) The institutional flexibility to allow contaminants
 19 to be monitored on a statewide or regional basis as needed;
- 20 (d) Procedures to determine when coordinated monitoring
 21 between state and local entities is needed and policies for
 22 directing such monitoring;
- 23 (e) Provisions for the development of long-term trend
 24 lines for problem contaminants, for the inclusion of new
 25 contaminants, and for elimination of contaminants no longer
 26 requiring monitoring;
- 27 (f) Mechanisms to determine the best locations to monitor
 1 water quality for different types of contaminants and how to define
 2 local or regional problem areas; and
- 3 (g) An estimate of funding necessary to implement the
 4 recommendations of the study."
- 5 2. On page 2, line 17, strike "This act becomes" and
 6 insert "Sections 1 to 4 and 9 of this act become" and after the
 7 period insert "The other sections of this act become operative on
 8 their effective date."
- 9 3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 488. Introduced by Schimek, 27.

PURPOSE: Currently, when some special-needs foster children are adopted, such children may need residential treatment care. Medicaid will cover the costs of hospitalization or residential treatment facilities. The problem arises when the child no longer needs as restrictive an environment as provided by a hospital or the residential treatment facility but the child is still not ready to return home. Group homes offer a less restrictive environment but are not covered by Medicaid. The cost of group homes fall to the adoptive parents.

If the child were still a state ward, the state would have the financial obligation to care for such child.

The Legislature shall conduct a costs-benefits analysis of extending subsidized adoption coverage to include less restrictive levels of care. The study shall include the possibility of establishing a pilot project and the associated costs for care for such children in less restrictive settings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 by December 1, 2000.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 489. Introduced by Kristensen, 37.

PURPOSE: The purpose of this interim study is to comply with legislative intent contained in Legislative Bill 1217, Ninety-sixth Legislature, Second Session, 2000, section 102, which requires a study of the recruitment, development, and retention of minority and women faculty members at the University of Nebraska. This study relates to provisions contained in Laws 1997, LB 389, section 156, requiring the University of Nebraska to be among the top fifty percent among the Board of Regents' peer institutions in the employment of women and minority faculty members by August 1, 2002.

Since passage of Laws 1997, LB 389, the University of Nebraska has issued three interim reports to the Legislature and the Director of Administrative Services reporting on its progress toward reaching this requirement. There are two more academic years prior to the target deadline of August 1, 2002. The interim study shall focus on the following:

(1) Progress made by the University in reaching the requirements contained in Laws 1997, LB 389, section 156;

(2) The feasibility of the University reaching the requirements within the currently prescribed timeframe;

(3) Issues that have an impact on the University's ability to reach the requirements; and

(4) What changes, if any, should be made to the requirements regarding the recruitment, development, and retention of minority and women faculty at the University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 18 fourth grade students and teacher from Stromsburg Public School; 50 fourth grade students and teachers from York Elementary School; 65 fourth grade students and teachers from Pershing Elementary School, Lexington; and 16 Utilicorp Employees from across the state.

The Doctor of the Day was Dr. Bill Doering from Franklin.

ADJOURNMENT

At 8:03 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 28, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 28, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 2000

PRAYER

The prayer was offered by Pastor Carol Roettmer Brewer, Aldersgate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Kiel, D. Pederson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

STANDING COMMITTEE REPORTS**Natural Resources**

LEGISLATIVE BILL 390. Indefinitely postponed.
LEGISLATIVE BILL 459. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 732. Indefinitely postponed.
LEGISLATIVE BILL 785. Indefinitely postponed.
LEGISLATIVE BILL 808. Indefinitely postponed.
LEGISLATIVE BILL 980. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.
LEGISLATIVE BILL 1152. Indefinitely postponed.
LEGISLATIVE BILL 1220. Indefinitely postponed.
LEGISLATIVE BILL 1286. Indefinitely postponed.
LEGISLATIVE BILL 1297. Indefinitely postponed.
LEGISLATIVE BILL 1355. Indefinitely postponed.
LEGISLATIVE BILL 1360. Indefinitely postponed.
LEGISLATIVE BILL 1377. Indefinitely postponed.

LEGISLATIVE BILL 1434. Indefinitely postponed.

(Signed) Edward J. Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1405. Title read. Considered.

Senator Chambers moved to bracket LB 1405 until April 12, 2000.

Senators Engel, Bruning, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to his pending motion to bracket:

FA348

Strike "April 12" and insert "April 11".

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 332 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 332.

GENERAL FILE

LEGISLATIVE BILL 1405. Senator Hilgert requested to have the bill removed from the agenda.

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 973A:

AM3116

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated \$41,325 from the
- 3 General Fund for FY2000-01 to the Department of Revenue, for
- 4 Program 102, to aid in carrying out the provisions of Legislative
- 5 Bill 973, Ninety-sixth Legislature, Second Session, 2000.
- 6 No expenditures for permanent and temporary salaries and
- 7 per diems for state employees shall be made from funds appropriated
- 8 in this section."

Senators Connealy, Wehrbein, Vrtiska, and Dierks filed the following amendment to LB 1348:

AM3131

(Amendments to E & R amendments, AM7233)

- 1 1. Strike sections 1 to 11 and all amendments thereto
2 and insert the following sections:
3 "Section 1. Sections 1 to 12 of this act shall be known
4 and may be cited as the Agricultural Opportunities and Value-Added
5 Partnerships Act.
6 Sec. 2. (1) The Legislature finds that:
7 (a) There is a serious economic crisis in the
8 agricultural and rural sectors of Nebraska's economy;
9 (b) There is a need in such sectors to develop strategies
10 and programs to create genuine economic opportunities that enable
11 people to improve their incomes, avoid poverty, build assets, and
12 develop their capacity to contribute to the betterment of their
13 communities;
14 (c) Strong communities enable local residents to be more
15 self-sufficient, which contributes to the overall strength and
16 well-being of Nebraska; and
17 (d) Adding value to agricultural products offers farmers
18 and ranchers the potential to obtain a larger share of food
19 dollars.
20 (2) The Legislature further finds that there is a need
21 to:
22 (a) Support self-employment and small-scale
23 entrepreneurship in both agricultural and nonagricultural
24 activities;
25 (b) Enhance income and opportunities for farming and
26 ranching operations to stem the decline in the number of such
27 operations;
28 (c) Develop strategies and programs to increase the
29 farming and ranching operations' share of the food system profit;
30 (d) Build the capacity of farming and ranching operations
31 and small rural businesses to benefit from the development of
32 electronic commerce; and
33 (e) Strengthen value-added enterprises by promoting
34 strategic partnerships and networks through multi-group
35 cooperation.
36 Sec. 3. For purposes of the Agricultural Opportunities
37 and Value-Added Partnerships Act:
38 (1) Farming or ranching operation means the active use,
39 management, and operation of real and personal property for the
40 production of crops or raising of livestock;
41 (2) Project means any activity in the areas specified in
42 section 7 of this act designed to promote the purposes specified in
43 section 4 of this act. Project does not mean, and grant funds
44 shall not be used for, any activity primarily designed to
45 contribute to a single business, enterprise, or individual or
46 designed to subsidize an existing farming or ranching operation;
47 and

25 (3) Value-added means increasing the net worth of food or
26 nonfood agricultural products by processing, alternative production
27 and handling methods, collective marketing, or other innovative
1 practices.

2 Sec. 4. The purposes of the Agricultural Opportunities
3 and Value-Added Partnerships Act are to:

4 (1) Support small enterprise formation in the
5 agricultural sector of Nebraska's rural economy, including
6 innovative cooperative efforts for value-added enterprises:

7 (2) Support the development of agricultural communities
8 and economic opportunity through innovative partnerships among
9 farming and ranching operations, rural communities, and businesses
10 for the development of value-added agriculture products;

11 (3) Encourage collaboration between farming and ranching
12 operations and between farming and ranching operations and
13 communities, government, and businesses as well as between
14 communities and regions;

15 (4) Strengthen the value-added production industry by
16 promoting strategic partnerships and networks through multi-group
17 cooperation for the creation of employment opportunities in the
18 value-added agriculture industry;

19 (5) Enhance the income and opportunity for farming and
20 ranching operations in Nebraska and to stem the decline in their
21 numbers;

22 (6) Increase the farming and ranching operations' share
23 of the food system profit;

24 (7) Enhance the economic and social viability of rural
25 communities in Nebraska that depend on agricultural production; and

26 (8) Enhance opportunities for farming and ranching
27 operations to participate in electronic commerce and new and
1 emerging markets that strengthen rural economic opportunities.

2 Sec. 5. (1) The Department of Agriculture, with
3 assistance provided by the Department of Economic Development,
4 shall establish and administer a competitive grant process to
5 provide grants under the Agricultural Opportunities and Value-Added
6 Partnerships Act. Grants may be made for up to seventy-five
7 thousand dollars annually to eligible entities under section 6 of
8 this act that directly address one or more of the purposes
9 specified in section 4 of this act in the areas specified in
10 section 7 of this act and which meet the requirements of this
11 section and section 8 of this act.

12 (2) A minimum of twenty-five percent of the funds
13 appropriated for the act shall be for grants for purposes specified
14 in subdivisions (1) through (4) of section 4 of this act. A
15 minimum of twenty-five percent of such funds shall be for grants
16 for purposes specified in subdivisions (5) through (8) of section 4
17 of this act. The remaining funds may be used for grants for any
18 purpose specified in section 4 of this act.

19 (3) Priority for the awarding of grants within the

20 parameters of this section shall be given to projects that make the
21 greatest contribution in increasing the number and quality of
22 self-employment opportunities for farming or ranching operations.
23 The Department of Agriculture shall also award grants to pilot
24 cooperative efforts for the promotion of value-added products. The
25 department may recommend projects for recognition by the Governor.

26 (4) A recipient of a grant shall not receive more than
27 one grant in any one calendar year for the same project.

1 (5) Grants shall be awarded on a one-year basis but may
2 be renewed on an annual basis for no more than three years. The
3 Department of Agriculture, with the necessary assistance provided
4 by the Department of Economic Development, shall develop an annual
5 performance review process and a program for grant renewal of
6 approved projects determined to have continued necessary statewide
7 application and success.

8 (6) Grant funds shall not be used to replace other
9 funding for the administrative support of the recipient or the
10 administrative support of the project or for administrative costs
11 relating to the planning of the project or for any activity
12 primarily designed to contribute to a single business, enterprise,
13 or individual. Grant funds for a project may be awarded to a
14 cooperative, group, association, or other entity if the entity is
15 involved in an activity designed to promote the purposes specified
16 in section 4 of this act.

17 Sec. 6. Eligible entities for grants under the
18 Agricultural Opportunities and Value-Added Partnerships Act include
19 communities, counties, agencies, educational institutions, economic
20 development providers, nonprofit corporations, agricultural
21 cooperatives, agricultural associations, agricultural marketing
22 associations or entities, resource conservation organizations,
23 development districts, and farming or ranching operations in
24 collaborative arrangements with other operations, entities, or
25 organizations that meet the purposes of section 4 of this act.

26 Sec. 7. (1) Grants under the Agricultural Opportunities
27 and Value-Added Partnerships Act shall be used to support projects
1 in the following areas:

2 (a) Research;

3 (b) Education and training;

4 (c) Market development;

5 (d) Nonadministrative business planning assistance,
6 feasibility and market studies, capitalization plans, and technical
7 assistance;

8 (e) Development of cooperatives;

9 (f) Community and multi-community initiatives;

10 (g) Creation, retention, and transfer of value-added
11 agricultural business initiatives in rural communities;

12 (h) Efforts to obtain start-up or working capital or
13 other capital expenditures necessary for the development of the
14 project;

- 15 (i) Community-based, farmer-owned, or rancher-owned
16 value-added initiatives; and
17 (j) Other activities that are deemed necessary to fulfill
18 the purposes specified in section 4 of this act.
19 (2) Such projects shall demonstrate the ability to
20 provide private new enterprise formation or expanded incomes and
21 economic opportunities for existing enterprises.
22 Sec. 8. To be eligible for a grant under the
23 Agricultural Opportunities and Value-Added Partnerships Act, an
24 applicant shall:
25 (1) Document a matching amount in money or in-kind
26 contributions or a combination of both equal to twenty-five percent
1 of the grant funds requested;
2 (2) Specify measurable goals and expected outcomes for
3 the project for which the grant funds are requested; and
4 (3) Specify an evaluation and impact assessment process
5 or procedure for the project for which the grant funds are
6 requested.
7 Sec. 9. The Department of Agriculture shall submit an
8 annual report to the Governor and the Legislature on or before
9 January 1 listing the recipients and grant amounts made under the
10 Agricultural Opportunities and Value-Added partnerships Act in the
11 previous year, the documented and measurable impacts of the grants,
12 and an evaluation of the performance of the grant program based on
13 the measurable goals and expected outcomes of the recipients of
14 such grants. Copies of the program performance evaluation shall be
15 made available through print and electronic media.
16 Sec. 10. The Department of Agriculture shall, with the
17 necessary assistance provided by the Department of Economic
18 Development, adopt and promulgate rules and regulations to carry
19 out the Agricultural Opportunities and Value-Added Partnerships
20 Act. The Department of Agriculture shall coordinate projects
21 funded by grants under the act with other organizations or
22 institutions working on similar projects in the state.
23 Sec. 11. The Agricultural Opportunities and Value-Added
24 Partnerships Cash Fund is created. The fund shall be used by the
25 Department of Agriculture for grants awarded pursuant to the
26 Agricultural Opportunities and Value-Added Partnerships Act. Money
27 credited to the fund shall include any monetary gifts, grants,
1 donations, proceeds from contracts for services, and reimbursement
2 of expenses. The department shall seek money from sources such as,
3 but not limited to, federal funds, commodity checkoff funds,
4 private donations, and private grants. All such funds shall be
5 credited to the Agricultural Opportunities and Value-Added
6 Partnerships Cash Fund. Any money in the fund available for
7 investment shall be invested by the state investment officer
8 pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act. No funds shall be received or accepted
10 for the Agricultural Opportunities and Value-Added Partnerships

10 Cash Fund that are designated for the purpose or the benefit of a
11 single business, enterprise, or individual.
12 Sec. 12. The Agricultural Opportunities and Value-Added
13 Partnerships Act shall terminate on January 1, 2004.
14 Sec. 13. It is the intent of the Legislature to
15 appropriate:
16 (1) One million dollars each year for three consecutive
17 years to fund the Agricultural Opportunities and Value-Added
18 Partnerships Act, making such grant funds available on and after
19 January 1, 2001. The Department of Agriculture shall annually
20 allocate (a) a minimum of two hundred fifty thousand dollars to
21 grants that promote value-added purposes specified in subdivisions
22 (1) through (4) of section 4 of this act, (b) a minimum of two
23 hundred fifty thousand dollars to grants that promote the purposes
24 specified in subdivisions (5) through (8) of section 4 of this act,
25 and (c) the remaining funds for grants for any of the purposes
26 specified in such section; and
27 (2) An additional two-hundred fifty thousand dollars each
1 year for three consecutive years to the Microenterprise Partnership
2 Program, making such funds available on and after the effective
3 date of this act."
4 2. Renumber the remaining sections accordingly.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1381A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, section 134; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1381, Ninety-sixth Legislature, Second Session, 2000; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Senators Hudkins, Coordsen, D. Pederson, Dierks, Quandahl, Byars, Schmitt, Dw. Pedersen, Jones, Bromm, Vrtiska, Bruning, and Robak asked unanimous consent to have their names added as cointroducers to LR 487. No objections. So ordered.

VISITORS

Visitors to the Chamber were 15 Junior Nursing students and instructor from Union College, Lincoln; 19 students and sponsors from Sidney High School; Vocational Industrial Club of America and instructor from McCook Chapter, McCook; 72 eighth grade students and teachers from Mary Our Queen School, Omaha; 75 representatives of the Councils of Catholic Women from across the state; and Senator Cudaback's mother, Lena

Cudaback, from Riverdale.

RECESS

At 11:50 a.m., on a motion by Senator 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 Senators Bohlke, Byars, Dickey, Dierks, Engel, Jensen, Kiel, Landis, Matzke, D. Pederson, Price, Robak, Suttle, Thompson, and Tyson who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1234. Title read. Considered.

Senator Chambers moved to bracket LB 1234 until April 10, 2000.

Senators Brashear and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers withdrew his motion to bracket.

The Standing Committee amendment, AM2553, found on page 814, was considered.

Senator Schrock withdrew his amendment, AM2622, found on page 969.

Senator Stuhr renewed her pending amendment, AM2772, found on page 1014, to the Standing Committee amendment.

Senator Stuhr withdrew her amendment.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

Senator Connealy renewed his pending amendment, AM2762, found on page 1020, to the Standing Committee amendment.

Senators Coordsen, Landis, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers requested a record vote on the Connealy amendment.

Voting in the affirmative, 27:

Aguilar	Beutler	Bohlke	Bourne	Bromm
Brown	Bruning	Connealy	Crosby	Cudaback
Dickey	Dierks	Hilgert	Hudkins	Janssen
Kremer	Matzke	Pedersen, Dw.	Preister	Quandahl
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Wehrbein			

Voting in the negative, 7:

Chambers	Jones	Price	Raikes	Redfield
Schmitt	Wickersham			

Present and not voting, 6:

Baker	Hartnett	Kiel	Kristensen	Lynch
Suttle				

Excused and not voting, 9:

Brashear	Byars	Coordsen	Engel	Jensen
Landis	Pederson, D.	Robak	Vrtiska	

The Connealy amendment was adopted with 27 ayes, 7 nays, 6 present and not voting, and 9 excused and not voting.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 438 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendments to LB 1021:

(1)

FA349

Amend AM2841

On page 9, line 16, after "food" insert "or beverage". Line 17, strike "." insert "or occasional provision of transportation within the State of Nebraska."

(2)

FA350

Amend AM2841

On page 9 line 3, strike "fifty" reinstate "one hundred". Line 4, after first "the" insert "estimated". Line 6, strike "\$50", insert "\$100".

(3)

FA351

Amend AM2841

On page 5, line 19 after "who" insert "knowingly".

(4)

FA352

Amend AM2841

On page 4, line 25 strike "or"

Line 26, strike "gifts"

On page 5 line 10, strike "or gifts"

Line 15, strike "or gifts"

(5)

FA353

Amend AM2841

On page 4, lines 19 through 21, reinstate the stricken language.

Senator Landis filed the following amendment to LB 932:

(Amendment, AM3130, 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 1234. Senator Jones withdrew his amendment, AM2765, found on page 1030.

Senator Preister asked unanimous consent to replace his pending amendment, AM2854, found on page 1070, with a substitute amendment. No objections. So ordered.

Senator Preister withdrew his amendment, AM2854, found on page 1070.

Senator Preister offered the following substitute amendment, to the Standing Committee amendment:

AM3136

(Amendments to AM2762)

1 1. Strike section 4 and insert the following new
2 sections:
3 "Section 1. On or after the operative date of this
4 section, a retailer shall not offer for sale in this state any
5 petroleum product that contains more than one percent of methyl
6 tertiary butyl ether (MTBE) by volume. For purposes of this
7 section, retailer has the same definition as in section 66-482.
8 Sec. 6. Sections 2 to 4 of this act becomes operative on
9 October 1, 2000. The other sections of this act become operative
10 on their effective date."
11 2. Renumber the remaining sections and correct internal
12 references accordingly.

Senator Bourne asked unanimous consent to be excused. No objections. So ordered.

The Preister amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Schmitt renewed his pending amendment, AM2572, found on page 1085, to the Standing Committee amendment.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schmitt withdrew his amendment.

Senator Schmitt withdrew his amendment, AM2573, found on page 1085.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schmitt renewed his pending amendment, AM2967, found on page 1254, to the Standing Committee amendment.

The Schmitt amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Senator Beutler renewed his pending amendment, AM3104, found on page 1390, to the Standing Committee amendment.

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

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Lynch asked unanimous consent to be excused. No objections. So ordered.

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

FA354

Amend AM2762

P. 1, line 17, strike "shall" and insert "may".

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Chambers	Hartnett	Jones	Landis	Price
Raikes	Redfield	Robak	Schmitt	Smith
Suttle	Wickersham			

Voting in the negative, 25:

Aguilar	Beutler	Bohlke	Bromm	Brown
Bruning	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Hudkins	Janssen	Jensen
Kremer	Kristensen	Matzke	Pedersen, Dw.	Schimek
Schrock	Stuhr	Thompson	Vrtiska	Wehrbein

Present and not voting, 3:

Baker	Hilgert	Preister
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Excused and not voting, 9:

Bourne	Brashear	Byars	Engel	Kiel
Lynch	Pederson, D.	Quandahl	Tyson	

The Chambers amendment lost with 12 ayes, 25 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

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

FA355

(Amendments to AM2762)

1 1. On page 2, after line 10 insert the following new
 2 subsection:
 3 "(4) This section shall not apply to a retailer at a
 4 location with two or fewer fuel storage tanks available for retail
 5 sale of motor fuel until January 1, 2002."

The Bromm amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

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

FA356

Amend FA355

In line 5, put a period after "fuel" and strike remaining language.

The Chambers amendment was adopted with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

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

AM3147

(Amendments to AM2762)

1 1. On page 1, line 20, after "oxygen" insert ", except
 2 that if the retailer is selling at the location motor fuel that
 3 contains a renewable fuel content equal to or greater than three
 4 and one-half percent weight oxygen at eighty-nine octane or
 5 higher".

Senator Baker moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Baker requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Baker	Chambers	Hartnett	Hilgert	Jones
Landis	Pedersen, Dw.	Price	Raikes	Redfield
Robak	Schmitt	Smith	Wickersham	

Voting in the negative, 25:

Aguilar	Beutler	Bohlke	Bromm	Brown
Bruning	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Hudkins	Janssen	Jensen
Kiel	Kremer	Kristensen	Matzke	Preister
Schrock	Stuhr	Thompson	Vrtiska	Wehrbein

Present and not voting, 2:

Schimek Suttle

Excused and not voting, 8:

Bourne Brashear Byars Engel Lynch
 Pederson, D. Quandahl Tyson

The Baker amendment lost with 14 ayes, 25 nays, 2 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 352, 352A, 973, 1124, 1124A, and 1285.

Enrollment and Review Change to LB 352

The following changes, required to be reported for publication in the Journal, have been made:
 ER9149

1. In the D. Pederson amendment, AM3073, on page 1, line 4, "this section and" has been struck and shown as stricken.

2. In the Bruning amendment, AM2787:

a. Section 18 has been renumbered as section 19; and

b. On page 1, line 3, "or its successor agency" has been struck.

3. In the E & R amendment, AM7241:

a. On page 9, line 12, "act" has been struck and "Commission for the Blind and Visually Impaired Act" inserted; and

b. On page 16, line 1, "other" has been inserted before "print-reading-impaired".

4. On page 1, the matter beginning with "blind" in line 1 through line 8 and all amendments thereto have been struck and "disabled persons; to amend sections 83-210.01 to 83-210.03, 83-211, 83-211.02, and 84-1604.01, Reissue Revised Statutes of Nebraska, and section 71-4720.01, 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 provide for a voice newspaper delivery system and a technology access contract clause; to eliminate a videotext service; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 83-210.04 to 83-210.07 and 83-212, Reissue Revised Statutes of Nebraska, and section 71-4733, Revised Statutes Supplement, 1998; and to declare an

emergency." inserted.

Enrollment and Review Change to LB 1124

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

ER9147

1. In the Coordsen amendment, AM3052, on page 1, line 4, "";" has been inserted after "insert"; and in line 5 the quotation mark has been struck.

Enrollment and Review Change to LB 1285

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

ER9148

1. In the Bromm-Kristensen-Landis amendment, AM3082:

a. On page 3, line 27, "for the stay" has been inserted after "applicant";

b. On page 6, line 25, "sections" has been struck and "section" inserted; and in line 26 "and" has been struck and an underscored comma has been inserted before "or"; and

c. On page 23, lines 22 and 27 "sections" has been struck and "section" inserted and "and" has been struck; in line 23 an underscored comma has been inserted before "or"; and in line 24 "7" has been struck and "6" inserted.

2. On page 1, lines 2 through 5 and all amendments thereto have been struck and "sections 75-122.01, 75-134, 75-136, 75-136.01, 75-137, 75-139.01, 75-156, 75-606, 75-610, 75-722, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1405, and 86-1909, Reissue Revised Statutes of Nebraska, and sections 75-109 and 75-609, Revised Statutes Supplement, 1999; to change provisions relating to commission orders and jurisdiction; to change certain stay and appeal provisions; to change, authorize, and limit certain administrative fines; to eliminate certain penalties and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 75-145, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Dickey asked unanimous consent to have his name added as cointroducer to LR 487. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Jones filed the following amendment to LB 1234:
AM3142

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

- 3 "Section 1. (1) Except as otherwise provided in this
4 section, all gasoline offered for sale, sold, or dispensed for use
5 as motor fuel in Nebraska shall, beginning January 1, 2001, contain
6 a renewable fuel content equal to or greater than three and
7 one-half percent weight oxygen. For purposes of this section,
8 renewable fuel means fuel made from renewable sources such as
9 ethanol produced from corn, sorghum, and biomass.
- 10 (2) Gasoline shall be exempt from the requirements of
11 subsection (1) of this section if it is (a) a premium grade fuel
12 containing ninety-one or more octane, (b) fuel containing
13 eighty-seven or less octane, or (c) offered for sale, sold, or
14 dispensed for use at an airport in aircraft.
- 15 Sec. 2. The Department of Revenue shall monitor
16 wholesale terminal prices of gasoline offered for sale, sold, or
17 dispensed pursuant to section 1 of this act. If at any time the
18 wholesale price of blended renewable fuel is more than the
19 wholesale price of premium grade fuel, the department shall cause
20 the renewable fuel content to be adjusted to reduce the wholesale
21 price differential. The wholesale price differential shall be
22 based upon the Axxis Petroleum Rack Price Report or other commonly
23 used wholesale price reports as determined by the department.
- 24 Sec. 3. The Attorney General shall enforce sections 1
1 and 2 of this act and may:
- 2 (1) Subpoena witnesses, compel their attendance, examine
3 them under oath, and require the production of documents, records,
4 or tangible things deemed relevant to the proper performance of his
5 or her duties. Service of any subpoena shall be made in the manner
6 prescribed by the rules of civil procedure;
- 7 (2) Bring suit to enjoin a violation or threatened
8 violation of section 1 of this act. Venue for such action shall be
9 in the county in which the alleged violation occurred, is
10 occurring, or is threatening to occur, or in Lancaster County; and
- 11 (3) Impose or levy an administrative fine of not more
12 than one thousand dollars on any person who has violated section 1
13 of this act. Any separate activity or day in which an activity
14 takes place shall be considered to be a separate violation.
- 15 Sec. 4. On or before December 1 of each year, the
16 Department of Revenue shall issue a report to the Legislature
17 regarding its duties pursuant to section 2 of this act.
- 18 Sec. 5. This act becomes operative on January 1, 2001.
- 19 Sec. 6. The following section is outright repealed:
20 Section 66-1225, Reissue Revised Statutes of Nebraska."

VISITORS

Visitors to the Chamber were 61 fourth grade students and teachers from Rockwell Elementary School, Omaha; 26 seniors and teacher from Overton; and Joel Shockley and Seth Colburn from Park Middle School, Lincoln.

ADJOURNMENT

At 6:22 p.m., on a motion by Senator Schmitt, the Legislature adjourned until 9:00 a.m., Wednesday, March 29, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 29, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 29, 2000

PRAYER

The prayer was offered by Pastor Rod Thelander, First Church of the Nazarene, Lincoln, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senators Byars and Engel who were excused; and Senators Bohlke, Brashear, Crosby, Hartnett, Hilgert, Landis, Lynch, D. Pederson, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 812. Placed on Select File as amended.
E & R amendment to LB 812:
AM7249

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. Section 79-757, Revised Statutes Supplement,
- 4 1998, is amended to read:
- 5 79-757. Sections 79-757 to 79-762 and sections 2 and 3
- 6 of this act shall be known and may be cited as the Quality
- 7 Education Accountability Act.
- 8 Sec. 2. The State Board of Education shall adopt
- 9 measurable model academic content standards for each grade level no
- 10 later than July 1, 2001. The standards shall cover the subject

11 areas of reading, writing, mathematics, science, social studies,
12 and history. The standards adopted shall be sufficiently clear and
13 measurable (1) to legally enable a periodic statewide assessment of
14 the mastering of the academic content by the public school students
15 of this state, (2) to use the results as accreditation indicators,
16 and (3) for use for other purposes designed to improve student
17 performance with respect to mastering of the content described in
18 the standards.

19 Sec. 3. In accordance with timelines that are adopted by
20 the State Board of Education, but in no event later than July 1,
21 2003, each school district shall adopt measurable quality academic
22 content standards for every grade level in the subject areas of
23 reading, writing, mathematics, science, social studies, and
24 history. The standards may be the same as, or may be equal to or
1 exceed in rigor, the measurable model academic content standards
2 adopted by the state board. The State Department of Education
3 shall adopt and promulgate appropriate rules and regulations to
4 insure the rigor of the measurable quality academic content
5 standards.

6 Sec. 4. Section 79-760, Revised Statutes Supplement,
7 1998, is amended to read:

8 79-760. (1) The State Board of Education shall implement
9 a statewide system for the assessment of student learning and for
10 reporting the performance of school districts. The state board
11 shall adopt an assessment and reporting plan and begin
12 implementation of the assessment and reporting system in the
13 2000-01 school year beginning with the assessment of reading and
14 writing. The state board shall prescribe statewide assessments of
15 writing that rely on writing samples beginning in the spring of
16 2001 with students in each of three grades selected by the state
17 board. For each series of four school fiscal years thereafter, one
18 of the three selected grades shall participate in the statewide
19 writing assessment each year for the first three years, such that
20 each of the three selected grades is assessed once in the first
21 three years of the four-year series and each of the three selected
22 grades will participate in the fourth year. The state board shall
23 develop an assessment system for the subject areas of reading,
24 mathematics, science, social studies, and history. The aggregate
25 results of any assessments required by the state board pursuant to
26 this section shall be reported by the district on a building basis
27 to the public in that district and to the State Department of
1 Education. The department shall report the aggregate results of
2 any assessments required by the state board pursuant to this
3 section on a district or building basis as part of the statewide
4 assessment and reporting system. assessment program for students
5 in a selected grade in each of the grade ranges four through six,
6 seven through nine, and ten through twelve each fall semester
7 beginning with the fall semester of 2000. The assessment program
8 shall consist of one assessment purchased from an assessment

9 service for each selected grade which tests students in the areas
10 of mathematics, reading, science, and social studies, plus one
11 writing assessment, either developed within the state by educators
12 with expertise in writing assessment or purchased as a part of the
13 assessment for the other specified subjects.

14 (2) The purposes of the assessment program and reporting
15 system are to:

16 (a) Determine how well public schools are performing in
17 terms of the learning of public school students related to the
18 subject areas of reading, writing, mathematics, science, social
19 studies, and history;

20 (b) Report the performance of public schools based upon
21 the results of the assessment;

22 (c) Provide information for the public and policymakers
23 on the performance of public schools; and

24 (d) Provide for the comparison of Nebraska public schools
25 to their peers and to school systems of other states and other
26 countries.

27 (3) The assessment and reporting plan shall include all
1 public schools and all public school students. The state board
2 shall adopt criteria for the inclusion of students with
3 disabilities, students entering the school for the first time, and
4 students with limited English proficiency.

5 (4) The assessment and reporting plan shall provide for
6 the confidentiality of the individual students.

7 (5) The state board shall adopt and promulgate rules and
8 regulations to carry out this section. Evaluate whether or not
9 students in a school system have acquired skills and knowledge
10 which allow them to meet or exceed academic standards established
11 by the state board;

12 (b) Measure progress of students in a school system
13 toward meeting academic standards established by the state board;

14 (c) Provide information for analysis of adopted standards
15 and consideration of new standards;

16 (d) Allow comparisons to be made between the academic
17 achievement of students in a local system and students in another
18 Nebraska local system; and

19 (e) Allow comparisons to be made between the academic
20 achievement of Nebraska students with the academic achievement of
21 students in other states.

22 (3) All public school districts shall participate in the
23 assessment, and all students enrolled in the designated grade
24 levels in such districts shall be assessed except as provided in
25 this subsection. The state board shall establish criteria that
26 schools may use to exempt special education students from
27 assessment in any or all subject areas. The state board may also

1 adopt alternative assessments or means of scoring for special
2 education students and students with limited English proficiency.

3 (4) The individual assessment scores shall be

4 confidential, shall be reported to the school district for
 5 educational purposes, and shall not be reported to the State
 6 Department of Education. Aggregate results for each school
 7 district shall be reported to the department by the assessment
 8 service and writing assessment scorers. School districts may also
 9 make aggregate data available based on attendance centers.
 10 ~~(5) The department shall be responsible for the cost of~~
 11 ~~the assessment materials and scoring.~~

12 Sec. 5. Original sections 79-757 and 79-760, Revised
 13 Statutes Supplement, 1998, are repealed."

14 2. On page 1, strike beginning with "section" in line 1
 15 through line 10 and insert "sections 79-757 and 79-760, Revised
 16 Statutes Supplement, 1998; to provide for academic content
 17 standards and assessment and reporting of student learning; to
 18 provide duties; to harmonize provisions; and to repeal the original
 19 sections."

LEGISLATIVE BILL 812A. Placed on Select File.

LEGISLATIVE BILL 1010. Placed on Select File as amended.

E & R amendment to LB 1010:

AM7248

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. For purposes of sales of educational lands
 4 at public auction, appraised value is the adjusted value as
 5 determined by the Property Tax Administrator or his or her
 6 representative (1) for agricultural and horticultural land,
 7 multiplied by one and twenty-five hundredths, or (2) for all other
 8 classes of real property, multiplied by one, unless the Board of
 9 Educational Lands and Funds establishes a higher value pursuant to
 10 section 72-257 or 72-258, in which case that value shall be the
 11 appraised value for purposes of sale.

12 Sec. 2. Section 72-240.26, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 ~~72-240.26. The board~~ Board of Educational Lands and
 15 Funds and the Nebraska Investment Council shall jointly report
 16 annually to the Clerk of the Legislature, and such report shall
 17 contain anticipated future actions by the board as well as actions
 18 already taken. The board's portion of the report shall include;
 19 (1) with reference to each tract of land sold pursuant to section
 20 ~~72-201.01: (1) (a)~~ The legal description; (2) (b) the unique
 21 characteristics of the land being sold; ~~(3) (c)~~ (3) (c) the appraised
 22 value; ~~(4) (d)~~ (4) (d) the sale price; ~~(5) (e)~~ (5) (e) the amount of funds received
 23 in the calendar year covered by the report from the sale; ~~(6) (f)~~ (6) (f)
 24 the disposition of the funds; ~~(7) (g)~~ (7) (g) the total number of acres of
 1 any unsold educational lands remaining under the general management
 2 and control of the board by county; ~~and (8) (h)~~ and (8) (h) the total appraised
 3 value of unsold land; and (i) the percentage of the investment

4 portfolio remaining in real estate, including all nonagricultural
5 real estate and (2) the corresponding information for any land that
6 has been acquired or traded. The council's portion of the report
7 shall include a cost-benefit analysis which considers the land
8 being sold versus the anticipated investment potential of proceeds
9 resulting from the sale. The cost-benefit analysis model used
10 shall be consistent with the standards of the investment industry
11 at the time of the proposed sale. Each member of the Legislature
12 shall receive a copy of such report by making a request for it to
13 the chairperson of the board.

14 Sec. 3. Section 72-257, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 72-257. All lands, now owned or hereafter acquired by
17 the state for educational purposes, may be sold at the expiration
18 of the present leases. The Board of Educational Lands and Funds
19 shall retain all mineral rights in the land sold. Prior to such
20 sale, the land shall may be appraised for sale purposes of sale in
21 the same manner as privately owned land by a representative
22 certified general real estate appraiser appointed by the Board of
23 Educational Lands and Funds, board and thereafter shall be sold at
24 public sale at not less than the appraised value. When ; PROVIDED,
25 that when two or more contiguous tracts are under separate leases
26 with different expiration dates, the board may, if it is deemed to
27 be in the best interest of the state, defer the sale of any tract

1 having an earlier lease expiration date, and may offer the tract
2 for lease for less than twelve years to coincide with the expiring
3 lease of the contiguous tract, in order that the contiguous lands
4 may eventually be offered for sale on the same date.

5 Sec. 4. Section 72-258, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 72-258. Educational land shall be offered for sale at
8 public auction by a representative of the Board of Educational
9 Lands and Funds and sold at not less than either the appraised
10 value or the fair market value to the highest bidder. The
11 appraised value for sales purposes shall be the starting bid price.
12 Notice of such sale and the time and place where the same will be
13 held shall be given by publication three consecutive weeks in some
14 legal newspaper published in the county where the tracts of land or
15 the lots are located or, in case no legal newspaper is published in
16 the county, then in some legal newspaper of general circulation
17 therein. The proof of such publication shall be made by the
18 affidavit of the publisher or principal clerk of such newspaper or
19 by some other person knowing about the same and shall be filed in
20 the office of the board. When the land consists of an undivided
21 interest in realty, an action to partition may be maintained in the
22 same manner as provided by law for the partition of real property
23 among several joint owners. All notices of sale shall be posted in
24 the office of the board. The board may arrange for such commercial
25 advertising of land sales as it deems in the best interest of the

26 state.

27 Any person or entity requesting that a tract of land be
1 sold at public auction shall file an agreement with the board to
2 pay the appraised value or a higher value as a minimum opening bid
3 for the land. Within sixty days after receipt by the board of the
4 request, the board shall determine whether or not to offer the
5 tract of land for sale at public auction with a minimum opening bid
6 equal to that amount stated in the accepted agreement for the
7 minimum opening bid and shall notify the person or entity
8 requesting the auction of the board's determination prior to
9 advertising the tract of land for sale. If the board determines to
10 offer the tract of land for sale at public auction, the auction
11 shall be held within one hundred twenty days after the board
12 accepts the agreement for a minimum opening bid. If the board
13 determines not to offer the tract of land for sale, the offering
14 price and legal description of the tract of land shall be included
15 in the annual report to the Legislature.

16 The sale shall be subject to confirmation by the board
17 that the requirements of this section have been met. Settlement
18 shall be made by paying cash of not less than twenty percent of the
19 purchase price at the time of sale, and the balance shall be
20 payable in cash within ninety days after the date of sale. If the
21 person submitting the high bid for the land fails to pay the
22 balance of the purchase price and complete the sale within ninety
23 days, his or her rights under the sale, including the twenty
24 percent downpayment, shall be forfeited by the board and a new sale
25 shall be authorized.

26 Sec. 5. Section 72-258.02, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 72-258.02. Whenever a portion of the National System of
2 Interstate and Defense Highways is constructed on school land and
3 an interchange is constructed on such school land, the Board of
4 Educational Lands and Funds shall appraise such land and offer it
5 such land for sale at public auction in such tracts as the board
6 shall determine; and sell it at not less than its appraised value.
7 The sale shall be made subject to the rights of leaseholders, if
8 any, and the leaseholder shall be paid for improvements and the
9 value of the leasehold for agricultural purposes. The sale shall
10 be made in accordance with the provisions of section 72-258.

11 Sec. 6. Original sections 72-240.26, 72-257, 72-258, and
12 72-258.02, Reissue Revised Statutes of Nebraska, are repealed."

13 2. On page 1, strike beginning with the first comma in
14 line 3 through "1999" in line 4; and in line 5 strike
15 "classification" and insert "appraisal".

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 973A. Title read. Considered.

Senator Janssen renewed his pending amendment, AM3116, found on page 1396.

The Janssen amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 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.

LEGISLATIVE BILL 1234. Senator Jones offered the following amendment to the Standing Committee amendment:
AM3149

(Amendments to AM2762)

- 1 1. On page 1, strike beginning with the comma in line 18
- 2 through the comma in line 19; and in line 20 after "oxygen" insert
- 3 "if such retailer offers motor fuel with an octane rating of less
- 4 than ninety-one but greater than eighty-seven".

Senator Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR COORDSEN PRESIDING

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

The Jones amendment lost with 9 ayes, 23 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

FA357

Amend AM2762

1. On page 1, line 20, after "oxygen" insert ", except that if the retailer is selling at the location motor fuel that contains a renewable fuel content no greater than three and one-half percent weight oxygen at eighty-nine octane or higher".

SENATOR CUDABACK PRESIDING

Senator Schrock moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Aguilar	Baker	Bohlke	Brashear	Chambers
Hartnett	Jones	Kristensen	Price	Quandahl
Raikes	Redfield	Robak	Schmitt	Smith
Suttle	Wickersham			

Voting in the negative, 21:

Beutler	Bourne	Bromm	Bruning	Connealy
Coordsen	Dickey	Dierks	Hudkins	Janssen
Jensen	Kremer	Landis	Matzke	Pedersen, Dw.
Pederson, D.	Schrock	Stuhr	Tyson	Vrtiska
Wehrbein				

Present and not voting, 9:

Brown	Crosby	Cudaback	Hilgert	Kiel
Lynch	Preister	Schimek	Thompson	

Excused and not voting, 2:

Byars	Engel
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The Chambers amendment lost with 17 ayes, 21 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

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

AM3154

(Amendments to AM2762)

- 1 1. In the Bromm amendment, FA355, on page 1, line 5,
- 2 strike "motor fuel" and insert "gasoline".

Senators Robak and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

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

Senator Baker requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Baker	Chambers	Janssen	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schmitt	Smith
Suttle	Wickersham			

Voting in the negative, 22:

Aguilar	Beutler	Bourne	Bruning	Connealy
Crosby	Dickey	Dierks	Hudkins	Kiel
Kremer	Kristensen	Landis	Matzke	Pederson, D.
Preister	Schimek	Schrock	Stuhr	Thompson
Tyson	Wehrbein			

Present and not voting, 11:

Bohlke	Bromm	Brown	Coordsen	Cudaback
Hartnett	Hilgert	Jensen	Jones	Lynch
Vrtiska				

Excused and not voting, 4:

Brashear	Byars	Engel	Robak
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The Baker amendment lost with 12 ayes, 22 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

AM3152

(Amendments to AM2762)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Petroleum wholesalers must offer for sale motor
- 3 fuel which contains a renewable fuel content of equal to or greater
- 4 than three and one-half percent weight oxygen to motor fuel
- 5 retailers. Such motor fuel shall be offered for sale by
- 6 wholesalers to retailers at a discount which shall equal five cents
- 7 per gallon less than the price for fuel without such oxygen
- 8 content. Retailers who obtain such discount shall prominently post
- 9 a sign attached to each pump dispensing such fuel which states
- 10 "ETHANOL-BLENDED FUEL HAS BEEN SUPPLIED FROM WHOLESALERS AT A
- 11 FIVE-CENT DISCOUNT PER GALLON".

12 2. Renumber the remaining sections and correct internal
13 references accordingly.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LB/LR	Committee
LR 438	Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

March 29, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1427, 1427A, 1436e, and 1436Ae were received in my office on March 24, 2000.

These bills were signed by me on March 29, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

VISITORS

Visitors to the Chamber were 24 juniors, seniors, and teacher from Ralston High School; 4 students and teacher from Pius X High School, Lincoln; Lois Butler from Kearney; 7 members of the Nebraska Taxpayers Association from Omaha; 50 fourth grade students and teachers from Seymour Elementary School, Ralston; 50 fourth grade students and teachers from York Elementary School; Tom Nutt from Holdrege; Sharra Stapleton and MaKayla Lyons from Sacred Heart Elementary School, Omaha; 50 fourth grade students and teachers from North Bend Public School; and members and sponsors from Columbus Junior City Council.

RECESS

At 12:08 p.m., on a motion by Senator Dierks, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Byars and Engel who were excused; and Senators Brown and Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1234. The Wickersham pending amendment, AM3152, found on page 1419, to the Standing Committee amendment, was renewed.

Senator Wickersham withdrew his amendment.

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

AM3161

(Amendments to AM2762)

- 1 1. On page 1, line 20, after the period insert "In
- 2 addition each retailer of motor fuel may offer for sale, at the
- 3 lowest octane rating sold by the retailer at that location, motor
- 4 fuel without renewable fuel content equal to or greater than three
- 5 and one-half percent weight oxygen."

SENATOR CROSBY PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jones amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

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

AM3164

(Amendments to AM2762)

- 1 1. On page 1, lines 19 and 20, strike "equal to or" and
- 2 insert "no".
- 3 2. On page 2, line 3, strike "of at least" and insert
- 4 "no greater than".

Senator Schmitt moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Schmitt requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Aguilar	Baker	Brashear	Chambers	Crosby
Hartnett	Lynch	Price	Redfield	Robak
Schmitt	Smith	Wickersham		

Voting in the negative, 20:

Bromm	Bruning	Connealy	Dickey	Dierks
Hudkins	Janssen	Kremer	Kristensen	Landis
Matzke	Pedersen, Dw.	Pederson, D.	Quandahl	Raikes
Schimek	Schrock	Stuhr	Tyson	Wehrbein

Present and not voting, 12:

Beutler	Bohlke	Bourne	Coordsen	Hilgert
Jensen	Jones	Kiel	Preister	Suttle
Thompson	Vrtiska			

Absent and not voting, 1:

Brown

Excused and not voting, 3:

Byars Cudaback Engel

The Schmitt amendment lost with 13 ayes, 20 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

FA358

Amend AM2762

P. 2, line 17, strike "October 1, 2000" and insert "October 1, 2001".

Speaker Kristensen ordered the removal of LB 1234 from the agenda.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 973A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 981. Placed on General File as amended.
(Standing Committee amendment, AM3065, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

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.

Health and Human Services System Partnership Council
Christopher Rodgers

Commission for the Deaf and Hard of Hearing
Tricia Tighe
Margaret Coleman
Esther Seanor

Excellence in Health Care Council
Cordelia Okoye

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Tyson, Price, and Dickey. Nay: None. Absent: None.

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
Robert Olson

Excellence in Health Care Council
John Klosterman

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Tyson, Price, and Dickey. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

COMMUNICATION

March 29, 2000

Mr. Patrick O'Donnell
Clerk of the Legislature

Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943 Legislative approval is requested for the following three University of Nebraska projects:

City Campus Parking Structure (17th & R Streets). The University of Nebraska-Lincoln proposes to construct a multi-level parking structure with a minimum of 1,200 parking spaces on the block bounded by 17th Street, R Street, 18th Street and Q Street. The structure will also contain a waiting area for transit riders and street level (approximately 17,000 gross square feet) shell space for university functions. The project is estimated to cost \$17,737,000.

Request. The University requests approval for this Parking Structure project totaling \$17,737,000 to be financed through the issuance of Parking Revenue Bonds.

Nebraska Union Addition/Renovation. The University of Nebraska at Kearney proposes to expand and renovate the existing Nebraskan Student Union. The project will include: 1) addition of meeting/work space for student government and organizations; 2) addition of 24 hour computer laboratory; 3) renovation of space for banquet facilities; 4) addition of smaller flexible multipurpose meeting/conference space; 5) expansion of food court; 6) renovation and addition of student amenities such as lounges, copy center and post office; and 7) renovation of existing heating, ventilating and air conditioning systems. The project is estimated to cost \$6,300,000.

Request. The University requests approval for this Nebraskan Union Addition/Renovation project totaling \$6,300,000 to be financed through issuance of Student Fee Finances State Revenue Bonds and the University of Nebraska at Kearney Revenue Bond Fund.

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is requested for the following:

Utility Improvements. The University of Nebraska at Kearney proposes utility improvements which involve the installation of steam and chilled water lines for use by revenue bond facilities. With the installation of utilities to the new College of Education, it is advantageous to increase line capacities to serve the entire east campus. The cost to the revenue bond program is prorated to the square feet that revenue bond facilities are to the total campus and is estimated at \$732,600.

Request. The University of Nebraska requests approval for these Utility Improvements at the University of Nebraska at Kearney totaling \$732,600. The improvements will be financed through the Surplus Fund of the University of Nebraska at Kearney Student Fees and Facilities Revenue Bonds.

The Board of Regents authorized these expenditures at its January 15, 2000, meeting. On March 29, 2000, the Nebraska Coordinating Commission for Postsecondary Education approved the expenditures.

Thank you for your consideration of these projects.

Respectfully submitted,
(Signed) Kim M. Robak
Vice President for External Affairs
and Corporation Secretary

SELECT FILE

LEGISLATIVE BILL 833. E & R amendment, AM7226, found on page 1042, was adopted.

Senator Dierks withdrew his amendments, AM2897 and AM2917, found on pages 1136 and 1137.

Senator Dierks moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3063.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks motion to suspend the rules prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Dierks renewed his pending amendment, AM3063, printed separately and referred to on page 1308.

Senators Janssen and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Dierks amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1348. E & R amendment, AM7233, found on page 1086, was adopted.

Senator Beutler withdrew his amendment, AM2993, found on page 1222.

Senator Wehrbein asked unanimous consent to replace the Wehrbein-Connealy pending amendment, AM2999, found on page 1222, with a substitute amendment. No objections. So ordered.

Senator Wehrbein withdrew the Wehrbein-Connealy amendment, AM2999, found on page 1222.

Senator Wehrbein renewed the substitute Connealy et al. pending amendment, AM3131, found on page 1396.

The Connealy et al. amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Kiel renewed her pending amendment, AM3009, found on page 1223.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

EASE

The Legislature was at ease from 4:07 p.m. until 4:17 p.m.

SPEAKER KRISTENSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 1348. The Kiel pending amendment, AM3009, found on page 1223 and considered in this day's Journal, was renewed.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Kiel moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Kiel requested a roll call vote on her amendment.

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

Voting in the affirmative, 18:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Hartnett	Hilgert	Jensen	Kiel	Landis
Lynch	Preister	Price	Quandahl	Robak
Schimek	Suttle	Thompson		

Voting in the negative, 21:

Baker	Bromm	Brown	Chambers	Coordsen
Crosby	Dickey	Jones	Kremer	Kristensen
Matzke	Pederson, D.	Raikes	Redfield	Schmitt
Schrock	Smith	Tyson	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 5:

Connealy	Cudaback	Hudkins	Janssen	Stuhr
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Excused and not voting, 5:

Bruning	Byars	Dierks	Engel	Pedersen, Dw.
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The Kiel amendment lost with 18 ayes, 21 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his amendment, AM3060, found on page 1287.

Senator Beutler offered the following amendment:

AM3169

(Amendments to AM3131)

- 1 1. On page 4, lines 2 and 3; page 5, lines 3 and 4; and
2 page 7, lines 15 and 16, strike "Agriculture" through "of".
- 3 2. On page 4, line 23; page 7, lines 6, 19, and 24; and
4 page 8, line 19, strike "Agriculture" and insert "Economic
5 Development".

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Beutler requested a roll call vote on his amendment.

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

Voting in the affirmative, 13:

Beutler	Hartnett	Hilgert	Jensen	Kiel
Landis	Preister	Price	Quandahl	Raikes
Redfield	Suttle	Thompson		

Voting in the negative, 27:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Chambers	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Hudkins
Jones	Kremer	Kristensen	Matzke	Schmitt
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Present and not voting, 3:

Janssen	Robak	Schimek
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Excused and not voting, 6:

Bruning	Byars	Engel	Lynch	Pedersen, Dw.
Pederson, D.				

The Beutler amendment lost with 13 ayes, 27 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Suttle requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Hartnett	Hilgert	Hudkins
Janssen	Jones	Kremer	Kristensen	Landis
Matzke	Price	Raikes	Robak	Schmitt
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 2:

Schimek	Suttle
---------	--------

Present and not voting, 9:

Beutler	Brown	Chambers	Jensen	Kiel
Preister	Quandahl	Redfield	Thompson	

Excused and not voting, 6:

Bruning Byars Engel Lynch Pedersen, Dw.
Pederson, D.

Advanced to E & R for engrossment with 32 ayes, 2 nays, 9 present and not voting, and 6 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1348A. Senator Wehrbein withdrew his amendment, AM3000, found on page 1225.

Senator Kiel withdrew her amendment, AM3015, found on page 1293.

Senator Wehrbein offered the following amendment:

AM3122

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$1,000,000
- 4 from the General Fund for FY2000-01 and (2) \$1,000,000 from the
- 5 General Fund for FY2001-02 to the Department of Agriculture, for
- 6 Program 27, to aid in carrying out the provisions of Legislative
- 7 Bill 1348, Ninety-sixth Legislature, Second Session, 2000.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section.
- 11 There is included in the appropriation to this program
- 12 for FY2000-01 \$1,000,000 General Funds for state aid, which shall
- 13 only be used for such purpose. There is included in the
- 14 appropriation to this program for FY2001-02 \$1,000,000 General
- 15 Funds for state aid, which shall only be used for such purpose.
- 16 Sec. 2. There is hereby appropriated (1) \$250,000 from
- 17 the General Fund for FY2000-01 and (2) \$250,000 from the General
- 18 Fund for FY2001-02 to the Department of Economic Development, for
- 19 Program 601, to aid in carrying out the provisions of Legislative
- 20 Bill 1348, Ninety-sixth Legislature, Second Session, 2000.
- 21 No expenditures for permanent and temporary salaries and
- 22 per diems for state employees shall be made from funds appropriated
- 23 in this section.
- 24 There is included in the appropriation to this program
- 1 for FY2000-01 \$250,000 General Funds for state aid, which shall
- 2 only be used for such purpose. There is included in the
- 3 appropriation to this program for FY2001-02 \$250,000 General Funds
- 4 for state aid, which shall only be used for such purpose."

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1119. E & R amendment, AM7245, printed separately and referred to on page 1292, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1003. Title read. Considered.

The Standing Committee amendment, AM2695, printed separately and referred to on page 987, was considered.

SENATOR CUDABACK PRESIDING

Senator Schrock renewed the D. Pederson pending amendment, AM2881, found on page 1093, to the Standing Committee amendment.

The D. Pederson amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senators Robak and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bohlke moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Wickersham renewed his pending amendment, AM2806, found on page 1057.

Senator Wickersham moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Wickersham requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 27:

Beutler	Bohlke	Bourne	Chambers	Connealy
Coordsen	Cudaback	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kristensen
Landis	Lynch	Preister	Price	Raikes
Redfield	Schimek	Stuhr	Suttle	Thompson

Wehrbein Wickersham

Voting in the negative, 9:

Aguilar	Baker	Brashear	Bromm	Crosby
Matzke	Schrock	Smith	Tyson	

Present and not voting, 6:

Brown	Dierks	Kremer	Pederson, D.	Schmitt
Vrtiska				

Absent and not voting, 1:

Dickey

Excused and not voting, 6:

Bruning	Byars	Engel	Pedersen, Dw.	Quandahl
Robak				

The Wickersham amendment was adopted with 27 ayes, 9 nays, 6 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Stuhr offered the following amendment:

FA359

Amend AM2695

1. On page 13, line 15, before "." insert ", including the investment performance of the funds".

The Stuhr 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 1067. Title read. Considered.

The Standing Committee amendment, AM2614, found on page 878, was considered.

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

AM3016

(Amendments to Standing Committee amendments, AM2614)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 57-501, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 57-501. As used in sections 57-501 to 57-507 unless the

5 context otherwise requires:

6 (1) Person ~~shall mean and include~~ means and includes any
7 person, persons, firm, or corporation;

8 (2) Owner ~~shall mean and include~~ means and includes (a)

9 any person who holds a written bill of sale or other instrument
10 under which title to the container was transferred to such person,

11 (b) any person who holds a paid or receipted invoice showing
12 purchase and payment of such container, (c) any person whose name,

13 initials, mark, or other identifying device has been plainly and
14 legibly stamped or otherwise shown upon the surface of such

15 container for a period of not less than one year prior to the final
16 enactment and approval of sections 57-501 to 57-507, or (d) any

17 manufacturer of a container who has not sold or transferred
18 ownership thereof by written bill of sale or otherwise;

19 (3) Liquefied petroleum gas ~~shall mean and include~~ means

20 and includes any material which is composed predominantly of

21 hydrocarbons or mixtures of the same, such as propane, propylene,
22 butanes (normal butane and isobutane), and butylenes; and

23 (4) Container means any vessel, including a cylinder or
1 tank, used for storing of liquefied petroleum gas; and

2 (5) Cylinder means a container constructed in accordance

3 with the United States Department of Transportation specifications

4 in 49 C.F.R. Cylinder shall mean a container used for liquefied

5 petroleum gas constructed in accordance with Interstate Commerce

6 Commission specifications and the capacity of which is not more

7 than thirty water gallons or one hundred pounds of liquefied

8 petroleum gas.

9 Sec. 2. Section 57-502, Reissue Revised Statutes of

10 Nebraska, is amended to read:

11 57-502. No cylinder shall be filled or refilled with

12 liquefied petroleum gas, or any other gas or compound, nor shall

13 such a cylinder be bought, sold, offered for sale, given, taken,

14 loaned, delivered, or permitted to be delivered or otherwise used,

15 or trafficked in, unless such cylinder ~~shall have been~~ subjected to

16 a test by interior hydrostatic pressure in a waterjacket or other

17 apparatus of suitable form approved by the Bureau of Explosives of

18 the Interstate Commerce Commission within ten years from the date

19 of its manufacture or within ten years after having been subjected

20 to such test; PROVIDED, that without regard to the date of previous

21 test, cylinders that show bad dents or other evidence of rough

22 usage, or that are corroded locally to such extent as to indicate

23 possible weakness, or that have lost as much as five percent of

24 their official tare weight, must be retested before being again

25 charged and shipped. After any retest, the actual tare weight for

26 those cylinders passing the test may be recorded as their official

27 tare weight meets the requirements of the regulations of the United

1 States Department of Transportation as they exist on the effective

2 date of this act.

3 Sec. 3. Section 57-503, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 57-503. While in transit, in storage, and while being
6 moved into final utilization, all cylinders containing liquefied
7 petroleum gas must have their valves protected as required by the
8 regulations of the United States Department of Transportation on
9 the effective date of this act, by metal caps or a metal
10 protection shield securely attached to the cylinder and of
11 sufficient strength to protect the valves from injury.

12 Sec. 4. Section 57-504, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 57-504. No person, except the owner thereof or persons
15 authorized in writing by said the owner so to do, shall fill or
16 refill with liquefied petroleum gas, or any other gas or compound,
17 a liquefied petroleum gas container; or buy, sell, offer for sale,
18 give, take, loan, deliver, or permit to be delivered, or otherwise
19 use, dispose of, or traffic in a liquefied petroleum gas container
20 or containers if such container shall bear bears upon the surface
21 thereof in plainly legible characters the name, initials, mark, or
22 other device of said the owner; nor shall any person, other than
23 the owner of a liquefied petroleum gas container or a person
24 authorized in writing by said the owner, so to do, deface, erase,
25 obliterate, cover up, or otherwise remove or conceal any such name,
26 mark, initial, or device thereon. The ; PROVIDED, the person using
27 any such cylinder container may purchase the same at his or her
1 option from the owner at a fair and reasonable market value, and
2 after such purchase may purchase liquefied petroleum gas upon the
3 open market.

4 Sec. 5. Section 57-505, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 57-505. The use of a liquefied petroleum gas cylinder,
7 as defined in subdivision (4) of section 57-501, container by any
8 person other than the person whose name, mark, initial, or device
9 shall be or shall have is or has been upon such liquefied petroleum
10 gas cylinder container, without written consent or purchase of such
11 marked and distinguished liquefied petroleum gas cylinder
12 container, for the sale of liquefied petroleum gas or filling or
13 refilling with liquefied petroleum gas, or the possession of such
14 liquefied petroleum gas cylinders container by any person other
15 than the person having his or her name, mark, initial, or other
16 device thereon, without the consent of such owner, shall and is
17 hereby declared to be is presumptive evidence of the unlawful use,
18 filling or refilling, or trafficking in of such liquefied petroleum
19 gas cylinders container.

20 Sec. 6. Section 57-506, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 57-506. Whenever any person; or the president,
23 secretary, treasurer, or other officer of any corporation mentioned

24 in section 57-501, or a duly authorized agent who has personal
 25 knowledge of the facts, shall make makes an oath in writing before
 26 any judge of the county court; that the party so making such the
 27 affidavit has reason to believe and does believe that any liquefied
 1 petroleum gas cylinders, as defined by subdivision (4) of section
 2 57-501, a container which is marked with the name, initials, mark,
 3 or other device of such owners, are the owner is in the possession
 4 of or being used by or being filled or refilled by any a person
 5 whose name, initials, mark, or other device does not appear on such
 6 cylinders, the container and who is in the possession of, filling
 7 or refilling, or using any such cylinders the container without the
 8 consent of the owner, of such name, initials, or trademark; the
 9 judge may, when satisfied that there is reasonable cause, issue a
 10 search warrant and cause the premises designated to be searched for
 11 the purpose of discovering and obtaining the same container. The
 12 judge may also cause the person who possesses the container to be
 13 brought before the judge and him or her the person in whose
 14 possession such cylinders may be found and shall then inquire into
 15 the circumstances of such possession. If such the judge finds that
 16 such person has been is guilty of a violation of sections 57-501 to
 17 57-507, he or she the judge shall sentence as provided in section
 18 57-507 and shall also award the possession of property the
 19 container, including the contents, of the cylinders, taken upon
 20 such search warrant, to the owner thereof."
 21 2. On page 6, line 20, after "sections" insert "57-501
 22 to 57-506,".
 23 3. Renumber the remaining sections accordingly.

Senator Schrock withdrew his amendment.

Senator Beutler offered the following amendment to the Standing
 Committee amendment:
 AM3177

(Amendments to Standing Committee amendments, AM2614)

- 1 1. Insert the following new sections:
- 2 "Section 1. On or after the effective date of this act,
- 3 a retailer shall not offer for sale in this state any petroleum
- 4 product that contains more than one percent of methyl tertiary
- 5 butyl ether (MTBE) by volume. For purposes of this section,
- 6 retailer has the same definition as in section 66-482.
- 7 Sec. 2. The Legislature finds that (1) existing
- 8 monitoring of ground water quality performed by natural resources
- 9 districts is excellent and deserves recognition, (2) substantial
- 10 efforts have been undertaken by the Department of Environmental
- 11 Quality to monitor surface water quality, and (3) it is within the
- 12 state's capacity to develop a comprehensive, integrated statewide
- 13 water quality monitoring system.
- 14 Sec. 3. The Department of Environmental Quality shall
- 15 conduct a comprehensive study of water quality monitoring in

16 Nebraska pursuant to section 4 of this act. In preparing Phase I
17 of the study, the department shall work with and consult an
18 advisory committee consisting of a designee from each of the
19 following: The American Consulting Engineers Council of Nebraska,
20 the Department of Agriculture, the Nebraska Natural Resources
21 Commission, the Department of Health and Human Services Regulation
22 and Licensure, the Department of Water Resources, the League of
23 Nebraska Municipalities, the Nebraska Association of Resource
1 Districts, the Nebraska Game and Parks Commission, the United
2 States Geological Survey, and the University of Nebraska. The
3 advisory group for Phase II of the study shall include the members
4 listed in this section for Phase I and be expanded to include all
5 groups found by the Department of Environmental Quality to be
6 significant stakeholders in the water quality area. Phase I of the
7 study shall be presented to the Natural Resources Committee of the
8 Legislature on or before December 1, 2000, and Phase II shall be
9 presented to the committee on or before June 30, 2001.

10 Sec. 4. (1) The study required by section 3 of this act
11 consist of two phases. Phase I of the study shall consist of an
12 assessment of Nebraska's current water quality monitoring efforts
13 and shall address, but not be limited to, the following:

14 (a) A detailed description of all current water quality
15 monitoring efforts at the state and local levels, including scope,
16 location, timing, procedure, number of personnel, state agency or
17 local government involved, and funding;

18 (b) An analysis of current water quality monitoring
19 efforts, indicating what the existing system does well and fails to
20 do or does inadequately. The analysis shall address, but not be
21 limited to, the following questions:

22 (i) Is the current number of monitoring sites sufficient
23 to provide accurate information on water quality in all regions of
24 the state;

25 (ii) Is the current frequency of monitoring efforts
26 sufficient to provide an accurate measurement of changes in water
27 quality over time;

1 (iii) Are the current methods of sample collection and
2 analysis scientifically sound and is the collection of samples and
3 subsequent testing conducted in a manner which reasonably assures
4 accurate measurements;

5 (iv) Is the current reporting process timely and does it
6 present information to policymakers in an understandable and usable
7 form;

8 (v) Is the current coordination of monitoring efforts
9 between the Department of Environmental Quality, natural resources
10 districts, and county or local governments sufficient; and

11 (vi) Does the current system provide a mechanism insuring
12 statewide or regional coordination of water quality monitoring
13 efforts when desirable.

14 (2) Phase II of the study shall utilize the information

15 gathered during Phase I and shall consist of a detailed description
16 of the changes required in the current system to establish a
17 comprehensive, integrated statewide water quality monitoring
18 system, including preferred alternatives if multiple options exist.
19 The proposed monitoring system shall include, but not be limited
20 to, the following:

21 (a) Recommended monitoring site locations;

22 (b) A description of acceptable monitoring techniques;

23 (c) The institutional flexibility to allow contaminants

24 to be monitored on a statewide or regional basis as needed;

25 (d) Procedures to determine when coordinated monitoring
26 between state and local entities is needed and policies for
27 directing such monitoring;

1 (e) Provisions for the development of long-term trend
2 lines for problem contaminants, for the inclusion of new
3 contaminants, and for elimination of contaminants no longer
4 requiring monitoring;

5 (f) Mechanisms to determine the best locations to monitor
6 water quality for different types of contaminants and how to define
7 local or regional problem areas; and

8 (g) An estimate of funding necessary to implement the
9 recommendations of the study."

10 2. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Beutler moved to suspend the rules, Rule 7, Sec. 3(d), in order to permit consideration of AM3177.

Senator Beutler withdrew his motion to suspend the rules.

Senator Beutler withdrew his amendment, AM3177.

The Standing Committee amendment 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.

LEGISLATIVE BILL 1167. Title read. Considered.

The Standing Committee amendment, AM2678, printed separately and referred to on page 985, was considered.

Senator Thompson withdrew her amendment, AM3078, found on page 1333.

Senator Suttle renewed her pending amendment, AM2915, found on page 1333, to the Standing Committee amendment.

Senator Connealy asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Suttle amendment was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Bourne and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Senator Thompson renewed her pending amendment, AM3079, found on page 1338, to the Standing Committee amendment.

The Thompson amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senators Kristensen, Wickersham, D. Pederson, and Matzke offered the following amendment to the Standing Committee amendment:

FA360

Amend AM2678

On P. 4, line 14, strike beginning with the word "either" through line 16 and strike lines 25-27.

The Kristensen et al. amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1167A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

COMMUNICATION

March 29, 2000

Senator George Coordsen
Chair - Executive Board
2010 State Capitol
Lincoln, NE 68509

Mr. Senator Coordsen:

Enclosed is correspondence I received from Kim Robak, Vice President for External Affairs and Corporation Secretary of the University of Nebraska-Lincoln.

With kind regards.

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

PJO:j
Enc.

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following:

Refer request from the University of Nebraska to issue revenue bonds.

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING Appropriations

Wednesday, April 5, 2000
Agency 51 - University Systemwide

8:00 a.m.

(Signed) Roger R. Wehrbein, Chairperson

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 437 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senators Wickersham and Schimek filed the following amendment to LB 803:

(Amendment, AM3172, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Raikes filed the following amendment to LB 1234:
AM3181

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. (1) The Ethanol Pricing Task Force is
4 created. The task force shall examine the practices, policies, and
5 methods by which ethanol prices are set and shall include a
6 comparison of ethanol prices to other motor fuel prices in
7 Nebraska. The task force shall collect data on price differences
8 and how they impact the marketing and sale of ethanol. On or
9 before December 1, 2000, the task force shall file a written report
10 with the Legislature with its findings and recommendations
11 concerning ethanol pricing practices.

12 (2) The task force shall consist of nine members as
13 follows:

- 14 (a) A representative of petroleum marketers;
- 15 (b) A representative of motor fuel retailers;
- 16 (c) A representative of the ethanol industry;
- 17 (d) An agricultural producer;
- 18 (e) A member of the Nebraska Ethanol Board;
- 19 (f) A representative of the Motor Fuel Tax Enforcement
20 and Collection Division of the Department of Revenue;
- 21 (g) One person representing environmental interests; and
- 22 (h) Two members of the Legislature, including the
23 chairperson of the Natural Resources Committee.

24 The Governor shall appoint members in subdivisions (a)
1 through (g) of this subsection. The Executive Board of the
2 Legislative Council shall appoint members in subdivision (h) of
3 this subsection. Members shall be reimbursed for their actual and
4 necessary expenses incurred in the performance of their official
5 duties as provided in sections 81-1174 to 81-1177.

6 (3) The Executive Board of the Legislative Council shall
7 provide the task force with necessary equipment, supplies, and
8 staff support.

9 (4) The task force shall terminate on December 31, 2000.

10 Sec. 2. On or after the effective date of this act, a
11 retailer shall not offer for sale in this state any petroleum
12 product that contains more than one percent of methyl tertiary
13 butyl ether (MTBE) by volume. For purposes of this section,
14 retailer has the same definition as in section 66-482.

15 Sec. 3. The Legislature finds that (1) existing
16 monitoring of ground water quality performed by natural resources
17 districts is excellent and deserves recognition, (2) substantial
18 efforts have been undertaken by the Department of Environmental
19 Quality to monitor surface water quality, and (3) it is within the
20 state's capacity to develop a comprehensive, integrated statewide
21 water quality monitoring system.

22 Sec. 4. The Department of Environmental Quality shall
23 conduct a comprehensive study of water quality monitoring in
24 Nebraska pursuant to section 5 of this act. In preparing Phase I
25 of the study, the department shall work with and consult an

26 advisory committee consisting of a designee from each of the
27 following: The American Consulting Engineers Council of Nebraska,
1 the Department of Agriculture, the Nebraska Natural Resources
2 Commission, the Department of Health and Human Services Regulation
3 and Licensure, the Department of Water Resources, the League of
4 Nebraska Municipalities, the Nebraska Association of Resource
5 Districts, the Nebraska Game and Parks Commission, the United
6 States Geological Survey, and the University of Nebraska. The
7 advisory group for Phase II of the study shall include the members
8 listed in this section for Phase I and be expanded to include all
9 groups found by the Department of Environmental Quality to be
10 significant stakeholders in the water quality area. Phase I of the
11 study shall be presented to the Natural Resources Committee of the
12 Legislature on or before December 1, 2000, and Phase II shall be
13 presented to the committee on or before June 30, 2001.

14 Sec. 5. (1) The study required by section 4 of this act
15 consist of two phases. Phase I of the study shall consist of an
16 assessment of Nebraska's current water quality monitoring efforts
17 and shall address, but not be limited to, the following:

18 (a) A detailed description of all current water quality
19 monitoring efforts at the state and local levels, including scope,
20 location, timing, procedure, number of personnel, state agency or
21 local government involved, and funding;

22 (b) An analysis of current water quality monitoring
23 efforts, indicating what the existing system does well and fails to
24 do or does inadequately. The analysis shall address, but not be
25 limited to, the following questions:

26 (i) Is the current number of monitoring sites sufficient
27 to provide accurate information on water quality in all regions of
1 the state;

2 (ii) Is the current frequency of monitoring efforts
3 sufficient to provide an accurate measurement of changes in water
4 quality over time;

5 (iii) Are the current methods of sample collection and
6 analysis scientifically sound and is the collection of samples and
7 subsequent testing conducted in a manner which reasonably assures
8 accurate measurements;

9 (iv) Is the current reporting process timely and does it
10 present information to policymakers in an understandable and usable
11 form;

12 (v) Is the current coordination of monitoring efforts
13 between the Department of Environmental Quality, natural resources
14 districts, and county or local governments sufficient; and

15 (vi) Does the current system provide a mechanism insuring
16 statewide or regional coordination of water quality monitoring
17 efforts when desirable.

18 (2) Phase II of the study shall utilize the information
19 gathered during Phase I and shall consist of a detailed description
20 of the changes required in the current system to establish a

21 comprehensive, integrated statewide water quality monitoring
22 system, including preferred alternatives if multiple options exist.
23 The proposed monitoring system shall include, but not be limited
24 to, the following:
25 (a) Recommended monitoring site locations;
26 (b) A description of acceptable monitoring techniques;
27 (c) The institutional flexibility to allow contaminants
1 to be monitored on a statewide or regional basis as needed;
2 (d) Procedures to determine when coordinated monitoring
3 between state and local entities is needed and policies for
4 directing such monitoring;
5 (e) Provisions for the development of long-term trend
6 lines for problem contaminants, for the inclusion of new
7 contaminants, and for elimination of contaminants no longer
8 requiring monitoring;
9 (f) Mechanisms to determine the best locations to monitor
10 water quality for different types of contaminants and how to define
11 local or regional problem areas; and
12 (g) An estimate of funding necessary to implement the
13 recommendations of the study."

GENERAL FILE

LEGISLATIVE BILL 925. Title read. Considered.

Senator Suttle renewed her pending amendment, AM2504, found on page 797.

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 29 fourth grade students and teachers from Omaha Christian School; 51 students and teachers from Morton Elementary School, Lexington; 31 eighth grade students and sponsors from Dundy County Middle School; 43 fourth grade students and teachers from West Park School, Columbus; and Michael Brown from Concordia University, Seward.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 8:08 p.m., on a motion by Senator Crosby, the Legislature adjourned until 9:00 a.m., Thursday, March 30, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - MARCH 30, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 2000

PRAYER

The prayer was offered by Pastor Charles Larsen, Country Bible Church, Blair, Nebraska.

ROLL CALL

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

The roll was called and all members were present except Senator Byars who was excused; and Senators Bohlke, Brown, Dierks, Engel, Kiel, Matzke, D. Pederson, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

REPORT OF REGISTERED LOBBYISTS

The following is a list of all lobbyists who have registered as of March 29, 2000, 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

McGuire and Norby - Lincoln; Cargill

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LB/LR **Committee**
LR 437 Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORT OF THE EXECUTIVE BOARD

2000 Resolutions calling for an Interim Study

- LR 328 Interim study to examine standards for attorneys appointed to represent indigent persons
Judiciary
- LR 329 Interim study to examine designing an electronic state student information tracking system regarding postsecondary educational institutions
Education
- LR 330 Interim study to identify mechanisms for ensuring equal access to advanced telecommunications services
Transportation and Telecommunications
- LR 331 Interim study to examine issues relating to unsolicited electronic mail advertising
Transportation and Telecommunications
- LR 333 Interim study of the statutory authority for additional construction delivery systems for public schools
Government, Military and Veterans Affairs
- LR 334 Interim study of the Petroleum Release Remedial Action Act
Natural Resources
- LR 335 Interim study of the current status of the elevator inspection program in Nebraska
Business and Labor
- LR 336 Interim study to review the General Principles of Sound Retirement Planning
Nebraska Retirement Systems
- LR 337 Interim study to review the process by which members are nominated and selected to the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 338 Interim study of issues relating to Indian tribes in Nebraska
General Affairs/Government, Military and Veterans Affairs
- LR 339 Interim study of issues relating to hazardous materials incidents

Government, Military and Veterans Affairs

- LR 340 Interim study to examine the train mile tax, the gas tax, and the needs of the state in improving railroad crossings
Revenue
- LR 341 Interim study to identify all state or federal cemetery facilities available to veterans statewide
Government, Military and Veterans Affairs
- LR 342 Interim study to review the Employment and Investment Growth Act and the Quality Jobs Act
Revenue
- LR 343 Interim study of the sales and use tax system
Revenue
- LR 344 Interim study to examine the taxpayer appeal process through the Tax Equalization and Review Commission
Revenue
- LR 345 Interim study to examine Nebraska's overall tax structure
Revenue
- LR 346 Interim study to examine the property tax exemption standards and procedures
Revenue
- LR 347 Interim study to examine the personal income tax system
Revenue
- LR 348 Interim study to examine Nebraska's system of corporate occupation tax
Revenue
- LR 349 Interim study to examine occupation taxes
Revenue
- LR 350 Interim study of the Lottery Division of the Department of Revenue and the State Lottery Act
General Affairs
- LR 351 Interim study to examine alternative options for increased availability of centers for independent living for disabled persons
Health and Human Services
- LR 352 Interim study relating to powers of the Nebr. Power Review Board with respect to holding hearings on matters under its statutory jurisdiction
Natural Resources
- LR 353 Interim study to examine issues relating to the cost of

- prescription drugs under the state Medicare program and the state medical assistance program
Health and Human Services
- LR 354 Interim study to examine the implementation of the federal medicaid substance abuse and alcoholism option and the necessary waivers
Health and Human Services
- LR 355 Interim study of the health plan grievance systems and managed care consumer protection
Health and Human Services
- LR 356 Interim study of the regulation of child care centers
Health and Human Services
- LR 357 Interim study of childhood immunizations and vaccines
Health and Human Services
- LR 358 Interim study relating to early education
Education
- LR 359 Interim study of the penalties for trespassing on the property of public schools in this state
Education
- LR 360 Interim study of how state and local sales taxes are collected on motor vehicles sold by an owner compared to vehicles sold by a dealer
Revenue
- LR 361 Interim study of the extent to which health insurance policies cover prescription contraceptives
Banking, Commerce and Insurance
- LR 362 Interim study relating to parents being held responsible for actions of their children and determination of compensation
Judiciary
- LR 363 Interim study to examine quality control in nursing homes, assisted living units, Alzheimer's special care units, and other special care units
Health and Human Services
- LR 364 Interim study examining issues relating to end-of-life health care
Health and Human Services
- LR 365 Interim study to examine the shortage of nurses in all levels of health care delivery in our state
Health and Human Services
- LR 366 Interim study of importation of alcoholic liquor into the state

for personal use
General Affairs

- LR 368 Interim study of statutes dealing with ground water transfers
Natural Resources
- LR 369 Interim study to examine a plan to divert lead and other hazardous materials from landfills and the environment, and costs associated with the plan
Natural Resources/Appropriations
- LR 370 Interim study to examine a plan to prevent contamination from entering waters of the state, and costs associated with the plan
Natural Resources/Appropriations
- LR 371 Interim study to address problems associated with use of alcohol and tobacco by persons under the legal age
General Affairs
- LR 372 Interim study relating to extraterritorial jurisdiction of municipalities
Urban Affairs
- LR 373 Interim study of the financial responsibilities of Nebraska's public electric utility industry relating to expenses of nuclear power plants
Natural Resources
- LR 374 Interim study to review the need to provide authority to the Dept. of Environmental Quality to accept voluntary fees paid by applicants for processing of permits
Natural Resources
- LR 375 Interim study of the financial and environmental implications of the removal of environmental contaminants from buildings
Natural Resources
- LR 376 Interim study of the powers of the Dept. of Environmental Quality relating to protection of cold water class A streams in Nebraska
Natural Resources
- LR 377 Interim study to examine the environmental effects of air pollutants from agriculture processing facilities' wastewater treatment lagoons
Natural Resources
- LR 378 Interim study to examine axle weights, trailer combinations, and length limitations on the trucking industry
Transportation and Telecommunications
- LR 379 Interim study to examine ways to enhance public awareness

of the Nebraska Environmental Trust Act and its mission
Natural Resources

- LR 380 Interim study to examine current laws concerning mountain lions in Nebraska
Natural Resources
- LR 381 Interim study to examine possibilities of developing a water banking program
Natural Resources
- LR 382 Interim study of the effects of the use of MTBE in Nebraska on the environment
Natural Resources
- LR 383 Interim study of solid waste collection services as they relate to the Integrated Solid Waste Management Act
Natural Resources
- LR 384 Interim study to examine the need to provide the Dept. of Environmental Quality with authority to assess administrative fines
Natural Resources
- LR 385 Interim study to review state statutes, regulations, and policies on scrap tire management and disposal
Natural Resources
- LR 386 Interim study to examine creation of an environmental stewardship program
Natural Resources
- LR 387 Interim study to examine whether the goals of the Integrated Solid Waste Management Act have been reached
Natural Resources
- LR 388 Interim study to determine an appropriate manner to evaluate the maintenance and replacement needs of K-12 public education buildings
Education
- LR 389 Interim study to review the need for all passengers in vehicles driven by a provisional driver to wear seat belts
Transportation and Telecommunications
- LR 390 Interim study to review the need for seat belts to be installed on school buses
Transportation and Telecommunications
- LR 391 Interim study to examine allowing parents of infants to voluntarily abandon their child without parental prosecution if the child's health is not endangered
Judiciary

- LR 392 Interim study to review the need for hepatitis B and chicken pox vaccines for children entering day care
Health and Human Services
- LR 393 Interim study to examine providing privileged communication in domestic violence or sexual abuse cases
Judiciary
- LR 394 Interim study to examine the need for methamphetamine specific treatment
Health and Human Services
- LR 395 Interim study to review how current substance abuse treatment dollars are being expended in Nebraska
Judiciary
- LR 396 Interim study to examine the high incarceration rate of youth in juvenile correctional facilities
Judiciary
- LR 397 Interim study to examine the effects of environmental tobacco smoke on public health
Health and Human Services
- LR 398 Interim study to examine the feasibility of establishing an organ and tissue donor registry
Health and Human Services
- LR 399 Interim study to examine the costs associated with the use of immunosuppressive medications by organ transplant recipients
Health and Human Services
- LR 400 Interim study of the development of Children's Services Councils in Nebraska
Health and Human Services
- LR 401 Interim study to determine whether Nebraska should adopt the Uniform Principal and Income Act (1997) in place of Nebraska's version
Banking, Commerce and Insurance
- LR 402 Interim study of the provisions of the Delayed Deposit Services Licensing Act
Banking, Commerce and Insurance
- LR 403 Interim study of the licensing of insurance agents and brokers
Banking, Commerce and Insurance
- LR 404 Interim study of the impact of the enactment of S.900, known as the "Gramm-Leach-Bliley Financial Services Modernization Act" on the regulation of insurance

Banking, Commerce and Insurance

- LR 405 Interim study of the provisions of the Public Funds Deposit Security Act
Banking, Commerce and Insurance
- LR 406 Interim study to examine what the State of Nebraska can do relative to Gulf War Syndrome
Government, Military and Veterans Affairs
- LR 407 Interim study to examine creating a program by which certain unwanted infants could be left with a hospital in a confidential and safe manner
Health and Human Services
- LR 408 Interim study to examine allowing triple-trailer towing in Nebraska
Transportation and Telecommunications
- LR 409 Interim study of the status of the lodging tax, the amount of revenue it generates, and the manner which that revenue is used
Government, Military and Veterans Affairs
- LR 410 Interim study to review matters and issues under the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 411 Interim study to examine potential sources of revenue for sanitary and improvement districts
Urban Affairs
- LR 412 Interim study to examine the status of benefits to be provided to long-term State Patrol retirees
Nebraska Retirement Systems
- LR 413 Interim study to determine whether cities and villages should adopt some or all of the 2000 International Codes as their building codes
Urban Affairs
- LR 414 Interim study to up-date the work of a task force study of historic preservation
Revenue/Urban Affairs
- LR 415 Interim study to determine whether the definition of earnings should be amended relating to bankruptcy proceedings
Judiciary
- LR 416 Interim study of civil protective custody statutes as they relate to individuals who are intoxicated and dangerous to themselves or others
Judiciary

- LR 417 Interim study of community corrections in Nebraska
Judiciary
- LR 418 Interim study of the feasibility of providing compensation from the Nebr. Environmental Trust Fund to individuals engaged in agriculture for the development of buffer strips
Natural Resources
- LR 419 Interim study to examine the issuance of message plates
Transportation and Telecommunications
- LR 420 Interim study to examine implementation and funding authority for municipalities to comply with federal mandates requiring development of storm water management programs
Natural Resources
- LR 421 Interim study of the issues surrounding the prevention of fires near railroad tracks
Transportation and Telecommunications
- LR 422 Interim study of the issues surrounding the time frame in which claims against railroads are accepted and denied
Transportation and Telecommunications
- LR 423 Interim study to review the extent to which office and other space is leased to house agencies of state government
Appropriations
- LR 424 Interim study to review changes in population, traffic, and state and federal funding policies and priorities, relating to the state's highway needs
Transportation and Telecommunications
- LR 425 Interim study dealing with issues relating to annexation of territory within a Class III school district by another school district
Education
- LR 426 Interim study to determine appropriate enforcement mechanisms for privately posted speed limits on private property
Judiciary
- LR 427 Interim study to investigate issues concerning the use of traffic enforcement systems, including photo monitoring devices
Judiciary
- LR 428 Interim study to examine the statutes relating to theft, fraud, and destruction of property
Judiciary

- LR 429 Interim study to examine the existing definition of the crime of burglary
Judiciary
- LR 430 Interim study to examine ways the Tax Equity and Educational Opportunities Support Act can increase local districts' options for offering competitive salaries to teachers
Education
- LR 431 Interim study to examine issues under the jurisdiction of the Education Committee
Education
- LR 432 Interim study to reexamine the role of the groups working with educational service units
Education
- LR 433 Interim study to examine establishing a Nebraska voluntary sentencing guidelines commission
Judiciary
- LR 434 Interim study to examine the current policy of charging sales tax on postage for delivery of printed materials, especially circulars and fliers
Revenue
- LR 435 Interim study to examine issues relating to territorial rating for automobile liability insurance
Banking, Commerce and Insurance
- LR 436 Interim study of joint law enforcement and community projects to reduce gun violence
Judiciary
- LR 439 Interim study to review funding sources provided to the Dept. of Health and Human Services Regulation and Licensure licensed facilities that provide alternative care
Health and Human Services
- LR 440 Interim study to examine alternate ways of distributing state aid to municipalities, counties, and natural resources districts
Revenue
- LR 441 Interim study of the operating structure and legal authority of diversion programs for traffic offenses
Judiciary
- LR 442 Interim study to review the availability and quality of long-term care for Nebraskans with Alzheimer's disease
Health and Human Services
- LR 443 Interim study relating to teacher salaries
Education/Revenue/Appropriations

- LR 444 Interim study to examine the status of school facilities in districts that primarily serve students residing on Indian land
Education
- LR 445 Interim study to examine funding for the air quality permit program administered by the Dept. of Environmental Quality and caps on emissions fees
Natural Resources
- LR 446 Interim study of the issues surrounding the management and personnel structure and manpower needs of the Dept. of Roads
Transportation and Telecommunications
- LR 447 Interim study of the electric utility industry
Natural Resources
- LR 448 Interim study to examine the decision-making authority relating to the closing of railroad crossings
Transportation and Telecommunications
- LR 449 Interim study of the public policy and implications of a Pay-for-Stay program in county and state incarceration facilities
Judiciary
- LR 450 Interim study of the implications of requiring assessment of zoning and land use planners through certification, licensing, or registration systems
Government, Military and Veterans Affairs
- LR 452 Interim study on the theft of cable and other telecommunications services
Transportation and Telecommunications
- LR 453 Interim study to examine issues relating to labeling food products containing genetically modified organisms (GMO'S)
Agriculture
- LR 454 Interim study of issues associated with contract production to safeguard the interests of agricultural producers under contractual agreements
Agriculture
- LR 455 Interim study to examine the prevalence of "ledger" contracts in livestock procurement
Agriculture
- LR 456 Interim study to examine the potential of the Internet to enhance farmers ability to access markets
Agriculture
- LR 457 Interim study to examine creating a compact among

- agricultural states to fund a state agricultural legislative clearinghouse to create a library of common state laws
Agriculture
- LR 458 Interim study of issues relating to the ownership of agricultural germ plasm and the performing and funding of genetic and biotechnology research
Agriculture
- LR 459 Interim study to examine retaining some manner of price discrimination protection for Nebraska livestock producers
Agriculture
- LR 460 Interim study to examine opportunities for producers and processors to collaborate in bringing greater value to agricultural production and enhancing farm income
Agriculture
- LR 461 Interim study to examine recodification of statutes relating to the Public Service Commission
Transportation and Telecommunications
- LR 462 Interim study relating to the frequency of reissuance of license plates
Transportation and Telecommunications
- LR 463 Interim study of the issues surrounding the theft of telecommunications services
Transportation and Telecommunications
- LR 464 Interim study of the implications of authorizing the state to enforce child care expenses under child support orders
Judiciary
- LR 465 Interim study of the issues surrounding the funding of railroad crossing safety improvement projects
Transportation and Telecommunications
- LR 466 Interim study of issues surrounding the liability and legal obligations for railroad crossing safety
Transportation and Telecommunications
- LR 467 Interim study to examine increasing the application fees and hearing fees charged by the Public Service Commission
Transportation and Telecommunications
- LR 468 Interim study to examine the recruitment and retention of carrier enforcement officers
Transportation and Telecommunications
- LR 469 Interim study of the policies, procedures, operation, and fairness of the Dept. of Correctional Services
Judiciary

- LR 470 Interim study to examine issues relating to the certificate of need program and the growing number of health care facilities
Health and Human Services
- LR 471 Interim study to examine health and human services issues
Health and Human Services
- LR 472 Interim study of the effect of obesity on costly health complications in both adults and children
Health and Human Services
- LR 473 Interim study to examine issues associated with providing a state-of-the-art driver's license and identification card system utilizing digital technology
Transportation and Telecommunications
- LR 474 Interim study to examine state policies relating to career preparation and technical education programs in Nebraska
Education
- LR 475 Interim study to examine the Farm Labor Contractors Act
Business and Labor
- LR 476 Interim study of the federal Workforce Investment Act which will replace the Job Training Partnership Act on July 1, 2000
Business and Labor
- LR 477 Interim study of the concept of drug-free workplace legislation for purposes of a workers' compensation insurance premium reduction
Business and Labor
- LR 478 Interim study of the issue of genetic discrimination
Business and Labor
- LR 479 Interim study of the workers' compensation and unemployment compensation laws of Nebraska
Business and Labor
- LR 480 Interim study to examine certain aspects of the Nebraska workers' compensation system
Business and Labor
- LR 481 Interim study to examine issues relating to joint custody options
Judiciary
- LR 483 Interim study of the impact of the enactment of S. 900, known as the "Gramm-Leach-Bliley Financial Services Modernization Act", on the regulation of financial services by the State of Nebraska

Banking, Commerce and Insurance

- LR 484 Interim study to examine natural gas service in Nebraska municipalities
Urban Affairs
- LR 485 Interim study to review statutes governing the structure and operations of various classes of municipalities
Urban Affairs
- LR 486 Interim study relating to volunteer emergency medical response personnel and volunteer firefighters
Business and Labor
- LR 487 Interim study relating to the University of Nebraska's commitment to the Institute of Agriculture and Natural Resources, and current and future funding
Education/Agriculture
- LR 488 Interim study to conduct a costs-benefits analysis of extending subsidized adoption coverage to include less restrictive levels of care for special-needs foster children
Health and Human Services
- LR 489 Interim study of the recruitment, development, and retention of minority and women faculty members at the University of Nebraska
Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SPEAKER KRISTENSEN PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 1234. Senator Chambers withdrew his amendment, FA358, found on page 1422.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Senator Jones asked unanimous consent to replace his pending amendment, AM3142, found on page 1409, with a substitute amendment. No objections. So ordered.

Senator Jones withdrew his amendment, AM3142, found on page 1409.

Senator Raikes renewed his substitute pending amendment, AM3181, found on page 1438.

The Raikes amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senators Robak and Schmitt offered the following amendment:
AM3150

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-601, Revised Statutes Supplement,
- 3 1999, is amended to read:
- 4 60-601. Sections 60-601 to 60-6,374 and section 2 of
- 5 this act shall be known and may be cited as the Nebraska Rules of
- 6 the Road.
- 7 Sec. 2. It is unlawful to use nitrous oxide as a fuel
- 8 additive in any motor vehicle operated on any highway in this
- 9 state.".
- 10 2. Renumber remaining sections, correct internal
- 11 references, and correct repealer accordingly with this amendment
- 12 taking effect three calendar months after the adjournment of this
- 13 legislative session.

The Robak-Schmitt amendment was withdrawn.

Senator Jones 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.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT **Health and Human Services**

LEGISLATIVE BILL 819. Placed on General File as amended.
(Standing Committee amendment, AM3133, 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

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)
Single Family Housing Revenue Bonds, 2000 Series A & B
General Obligation Bonds, 2000 Series G.O.-9

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
February 18, 2000

BILL ON FIRST READING

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

LEGISLATIVE BILL 1008A. 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 1008, Ninety-sixth Legislature, Second Session, 2000.

GENERAL FILE

LEGISLATIVE BILL 1200. Title read. Considered.

The Standing Committee amendment, AM2263, found on page 562, 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 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1221. Title read. Considered.

The Standing Committee amendment, AM2172, found on page 608, 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 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 932. Title read. Considered.

The Standing Committee amendment, AM2027, found on page 327, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Landis withdrew his amendment, AM2848, printed separately and referred to on page 1287.

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

LEGISLATIVE BILL 901. Title read. Considered.

The Standing Committee amendment, AM2083, found on page 394, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and

not voting.

Senator Schmitt withdrew his amendment, AM2141, found on page 596.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 901A. 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 1008. Title read. Considered.

Senator Chambers renewed his pending amendment, AM2194, found on page 530.

The Chambers 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 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1086. Title read. Considered.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Janssen offered the following amendment:
AM2379

- 1 1. On page 17, line 3; and page 19, line 10, strike
- 2 "seven", show as stricken, and insert "twelve".

The Janssen amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 495. Senator Jones withdrew his motion, found on page 1166, First Session, 1999, to indefinitely postpone.

Senators Stuhr and Bohlke withdrew their amendment, AM3032, found on page 1258.

Senator Stuhr offered the following amendment:

AM3193

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Education and Career Preparation Act.
- 5 Sec. 2. The Legislature finds that technology is
- 6 changing the educational and training needs of employees. These
- 7 changes are found in all areas of employment and are directly
- 8 related to Nebraska remaining competitive in a global economy.
- 9 These changes also raise employer expectations of prospective
- 10 employees from all education levels, including those with a
- 11 baccalaureate degree. Education and career preparation are
- 12 critical because students must possess academic, communication, and
- 13 technological skills needed for employment and continued lifelong
- 14 learning. Therefore, there is an urgent need for quality career
- 15 preparation and technical education programs in the secondary
- 16 schools of Nebraska in order to assist students in:
 - 17 (1) Acquiring the knowledge and skills necessary for
 - 18 successful entry into a career preparation program at a
 - 19 postsecondary educational institution or into employment;
 - 20 (2) Developing skills to balance the dimensions of work,
 - 21 family, and community;
 - 22 (3) Gaining exposure to a wide variety of careers; and
 - 23 (4) Gaining experience in career paths through supervised
 - 24 work-based experience.
- 1 Sec. 3. The purpose of the Education and Career
- 2 Preparation Act is to study on the academic, technical, and
- 3 employment skills necessary for success in a career through career
- 4 preparation and technical education programs such as agricultural
- 5 education, business education, career guidance and counseling,
- 6 family and consumer sciences, industrial technology education,
- 7 marketing education, health occupations education, and diversified
- 8 occupations.
- 9 Sec. 4. The Education and Career Preparation Task Force
- 10 is created. The task force shall consist of the members appointed
- 11 pursuant to section 5 of this act. The task force shall report its
- 12 findings and recommendations to the Clerk of the Legislature and
- 13 the Education Committee of the Legislature on or before October 1,
- 14 2000.
- 15 Sec. 5. Members of the Education and Career Preparation
- 16 Task Force shall be appointed by the Executive Board of the
- 17 Legislative Council on or before April 15, 2000, and shall include:
 - 18 (1) One member of the Education Committee of the
 - 19 Legislature;
 - 20 (2) One member of the Business and Labor Committee of the
 - 21 Legislature;
 - 22 (3) The Commissioner of Education or his or her designee;
 - 23 (4) One representative from the Governor's Policy
 - 24 Research Office;

25 (5) One secondary teacher involved in career preparation
26 and technical education programs;

27 (6) One teacher who is a member of an association for
1 career preparation and technical education teachers;

2 (7) One representative from business;

3 (8) One representative from labor;

4 (9) The program manager for vocational education at the
5 State Department of Education;

6 (10) One representative from the State Department of
7 Education who works with student organizations in the area of
8 career preparation and technical education;

9 (11) One high school student leader involved in student
10 organizations in the area of career preparation and technical
11 education;

12 (12) One representative of an association of school
13 boards;

14 (13) One taxpayer from a Class II or III school district;

15 (14) One representative of an association of school
16 administrators;

17 (15) One taxpayer from a Class IV or V school district;

18 (16) One representative from a community college who is
19 involved in career preparation and technical training; and

20 (17) One representative of a career preparation and
21 technical education teacher education program.

22 Members of the task force shall be reimbursed for their
23 actual and necessary expenses incurred in carrying out their duties

24 as members of the task force as provided in sections 81-1174 to
25 81-1177. The member from the Education Committee of the

26 Legislature shall be the chairperson of the task force and shall
27 arrange for the initial and subsequent meetings. The Education

1 Committee of the Legislature, other legislative staff, and the
2 State Department of Education shall provide research and

3 administrative support for the task force. The task force may
4 retain a national consultant to assist with the study.

5 Sec. 6. The Education and Career Preparation Task Force
6 shall study the following topics and make recommendations for

7 Nebraska policies and potential legislation to the Clerk of the
8 Legislature and the Education Committee of the Legislature:

9 (1) The purpose, role, and mission of career preparation
10 and technical education programs;

11 (2) The prevalence of and need for career preparation and
12 technical education programs at both the middle school and high
13 school levels;

14 (3) The funding for career preparation and technical
15 education programs, curriculum, and equipment at both the middle
16 school and high school levels;

17 (4) The availability of teachers of career preparation
18 and technical education and the status of career preparation and
19 technical teacher education programs;

- 20 (5) The need for career preparation and technical
21 education articulation programs in high schools and postsecondary
22 educational institutions;
- 23 (6) The feasibility of operating different delivery
24 systems for career preparation and technical education programs,
25 including a career preparation and technical high school or
26 schools; and
- 27 (7) Any other topics related to career preparation and
1 technical education as determined by the task force.
- 2 Sec. 7. The Education Committee of the Legislature shall
3 hold at least one public hearing in each congressional district in
4 Nebraska on the recommendations of the Education and Career
5 Preparation Task Force before December 31, 2000.
- 6 Sec. 8. The Education and Career Preparation Task Force
7 terminates on December 31, 2000.
- 8 Sec. 9. Since an emergency exists, this act takes effect
9 when passed and approved according to law."

SENATOR CUDABACK PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Suttle asked unanimous consent to be excused. No objections. So ordered.

Senator Stuhr moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Stuhr amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 803. Title read. Considered.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM2970, printed separately and referred to on page 1373, was considered.

Senator Wickersham withdrew the Wickersham-Schimek amendment, AM3172, printed separately and referred to on page 1438.

Senator Crosby asked unanimous consent to be excused until she returns.

No objections. So ordered.

Senator Schimek requested to pass over LB 803.

Senators Kremer and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1138. Title read. Considered.

The Standing Committee amendment, AM2464, found on page 747, was considered.

Senators Wickersham, Landis, Coordsen, Hartnett, and Raikes offered the following amendment to the Standing Committee amendment:

AM3187

(Amendments to Standing Committee amendments, AM2464)

1 1. Strike amendment 3 and insert the following new
2 amendments:

3 "3. On page 8, line 25, strike 'thirty million' and
4 insert 'twenty-nine million five hundred thousand'; in line 26
5 strike 'sixteen million' and insert 'fifteen million one hundred
6 thousand'; and in line 27 strike 'four million six' and insert 'two
7 million three'.

8 4. On page 14, line 25, strike 'seventy-nine hundredths'
9 and insert 'one and seven-tenths'.

10 5. On page 15, strike lines 14 through 16 and insert
11 'calculated by the Department of Revenue from resident individual
12 income tax information for the tax year that is two years prior to
13 the beginning of the fiscal year in which the aid will be
14 distributed. The department shall determine the federal adjusted
15 gross income per exemption for each resident individual return for
16 each county and for the state. The number of individuals in
17 poverty for each county shall be the total number of exemptions on
18 returns for each county for which the federal adjusted gross income
19 per exemption is fifty percent or less of the state average federal
20 gross income per exemption.'."

21 2. Renumber the remaining amendments accordingly.

PRESIDENT MAURSTAD PRESIDING

Pending.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 349. Title read. Considered.

Senator Engel asked unanimous consent to be excused. No objections. So ordered.

Senator Bromm renewed his pending amendment, AM2551, found on page 809.

The Bromm amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Senators Aguilar and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1304. Title read. Considered.

The Standing Committee amendment, AM2388, found on page 677, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Schmitt asked unanimous consent to be excused. No objections. So ordered.

Senator Janssen withdrew his amendment, AM3068, found on page 1293.

Senator Janssen offered the following amendment:
AM3186

- 1 1. On page 3, strike beginning with the underscored
- 2 period in line 2 through "fund" in line 4.

The Janssen amendment 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 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

LR 438 Thursday, April, 6, 2000

8:45 a.m.

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Senator Raikes filed the following amendment to LB 1213:
AM3138

(Amendments to Final Reading copy)

1 1. On page 27, line 6, after "a" insert "primary,
2 general, or"; in line 17 after "shall" insert "place the question
3 on the primary or general election ballot or"; in line 18 strike
4 "within fifteen days" and show as stricken; in line 20 after "Act"
5 insert "or section 77-3444" and after "costs" insert "for a special
6 election"; and in line 21 strike "The issue", show as stricken, and
7 insert "A vote to exceed the applicable allowable growth
8 percentage".

GENERAL FILE

LEGISLATIVE BILL 26. Title read. Considered.

Senators Thompson and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM1984, found on page 564, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 26A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1410. Title read. Considered.

The Standing Committee amendment, AM2297, found on page 573, 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, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1410A. 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 1251. Title read. Considered.

The Standing Committee amendment, AM2371, found on page 641, 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 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 825. Title read. Considered.

Senator Smith asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM2040, found on page 451, 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 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 825A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 956. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1361. 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.

MOTION - Suspend Rules

Senator Bohlke moved to suspend the rules, Rule 3, Sec. 13, to cancel the hearing for the confirmation of Earl J. Scudder scheduled to be heard at 1:30 p.m. today, March 30, 2000.

The Bohlke motion to suspend the rules prevailed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

MESSAGES FROM THE GOVERNOR

March 30, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1448e, 1214e, 1214Ae, 1215e, 1216e, 1328e, 1369, 1379, 1379Ae, 213e, 929, 1085e, 1135, and 1197e were received in my office on March 24, 2000; and Engrossed Legislative Bill 1349 was received on March 27, 2000.

These bills were signed by me on March 30, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

March 30, 2000

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

Dear Mr. President and Senators:

With this letter, I am returning LB 1217 with line-item reductions. The General Fund amounts vetoed in LB 1217 total 8.8 million dollars for the current 1999-2001 biennium and represent a reduction of an additional 9.9 million dollars of continuing obligations for the 2001-2003 biennium. In addition, I have adjusted LB 1217 with a reduction of 1.43 million General Fund dollars in recognition of LB 812 and LB 812A, which are waiting Select File consideration.

Passage of a number of pending legislative bills with fiscal impact could place the State in a serious situation. While the spending picture for the current biennium may appear to be within limits, the on-going impact of our decisions, unless carefully contained, would most certainly place the State in a serious deficit status as we prepare our next biennial budget. I firmly believe that we should follow a responsible course which not only complies with the statutory minimum General Fund reserve for the 1999-2001 biennium, but also plans for at least the same financial position in the following 2001-2003 biennium. The adjustments to LB 1217, therefore, contain the following reductions.

The additional General Funds for mental health provider rate increases have been reduced by 2 million dollars. One million new dollars remain in the budget for this purpose. Of the 1.5 million dollars added for Region VI

hospital reimbursements, 750,000 dollars have been left in place for FY1999-00 to provide one-time relief. The funds appropriated for the additional sex-offender beds at the Lincoln Regional Center remain in the budget. Completion of this new capacity for specialized treatment will relieve overcrowding at the Norfolk Regional Center and free beds for Region VI placements on a more timely basis.

I have also vetoed the additional 150,000 dollars appropriated by the Legislature for FY2000-01 to the Nebraska Library Commission for state assistance for public library service. This veto will maintain the amount of state funding for the Libraries for the 21st Century campaign at 550,000 dollars each year, the amount approved last year for the current biennium.

The 3 million dollar per year deficit appropriation for the University of Nebraska Health Insurance Trust Fund has been reduced by 1.25 million dollars in each year of the biennium. The Board of Regents has contracted for an analysis of the University Health Insurance Program and Trust Fund. As the situation exists, there is no current deficit in the University's Health Insurance Trust Fund. Current projections indicate that the University will first begin to utilize Trust Fund reserves late in FY2000-01. This matter can be further reviewed by the Board of Regents and reconsidered during the next legislative session.

The 500,000 dollars added to replace Natural Resources Enhancement Fund revenue lost due to the expiration of the commercial fertilizer fee have been vetoed. An estimated 2 million dollars will remain available to the natural resource districts from the fertilizer fee in FY2000-01.

Other appropriations were reduced as follows: 900,000 dollars in FY1999-00 and 987,000 dollars in FY2000-01 for Sheldon Memorial Art Gallery renovations; 400,000 dollars for Mass Transit Aid in FY2000-01; 100,000 dollars in FY2000-01 for the Nebraska Transit and Rail Advisory Council study; and the 500,000 dollars for Centennial Mall improvements for FY2000-01.

The issue of a state plan for assessment and reporting of public school performance in Nebraska is currently awaiting Select File consideration by the Legislature in LB 812 and LB 812A. LB 812A in its current form includes 1.43 million dollars to fund the provisions of LB 812. In light of the funding provided in LB 812A, I have reduced 1.43 million General Fund dollars earmarked in LB 1217 for an assessment and reporting system. I anticipate that LB 812A will continue to follow LB 812 and that it will remain as a vehicle for the necessary appropriations to implement a statewide assessment and report system.

I appreciate the hard work the members of the Appropriations Committee and the Legislature have invested in the budget thus far. Your restraint is needed as we work together to fashion a final budget which meets the needs of Nebraskans through fiscal year 2001 but does not leave us in a tenuous

position as we look to the new 2001-2003 biennium. I urge you to sustain these reductions to LB 1217.

Sincerely,
 (Signed) Mike Johanns
 Governor

Summary of LB 1217 Line-Item Reductions
Current Biennium and Following Biennium

<u>Agency</u>	<u>Description</u>	<u>FY1999-00</u>	<u>FY2000-01</u>	<u>FY2001-02</u>	<u>FY2002-03</u>
HHS-Finance	Increase Mental Health Provider Rates		(2,000,000)	(2,000,000)	(2,000,000)
HHS-Finance	Region VI Hospital Reimbursement, MH Services	(750,000)			
Roads	Local Transit Authorities Aid		(400,000)	(400,000)	(400,000)
Roads	Nebraska Transit and Rail Advisory Council Study		(100,000)		
Library Comm.	Aid to Local Libraries		(150,000)	(150,000)	(150,000)
University	Employee Health Care Costs	(1,250,000)	(1,250,000)	(1,250,000)	(1,250,000)
University	Sheldon Memorial Art Gallery Renovations	(900,000)	(987,000)	(1,800,000)	
Nat. Resources	Natural Resources Enhancement Fund		(500,000)		
DAS	Centennial Mall Improvements		(500,000)	(500,000)	
Fiscal Year Totals		<u>(2,900,000)</u>	<u>(5,887,000)</u>	<u>(6,100,000)</u>	<u>(3,800,000)</u>
Biennium Totals			<u>(8,787,000)</u>		<u>(9,900,000)</u>
Four-Year Total					<u>(18,687,000)</u>
			<u>FY2000-01</u>	<u>FY2001-02</u>	<u>FY2002-03</u>

In addition, the following adjustment is made to Education - Statewide K-12 Assessment and Reporting to eliminate duplicate financing in LB 1217 that will be provided in LB 812A.

	(1,430,000)	(1,430,000)	(1,430,000)
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STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 797. Placed on General File as amended.
 (Standing Committee amendment, AM2173, 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

AMENDMENTS - Print in Journal

Senators Schimek and Wickersham filed the following amendment to
LB 1021:
 AM3201

(Amendments to Standing Committee amendments, AM2841)

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 49-1401, Revised Statutes
 4 Supplement, 1999, is amended to read:
 5 49-1401. Sections 49-1401 to 49-14,141 and sections 4
 6 and 6 of this act shall be known and may be cited as the Nebraska
 7 Political Accountability and Disclosure Act. Any reference to
 8 sections 49-1401 to 49-14,138 shall be construed to include
 9 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August
 10 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be
 11 construed to include sections 49-14,123.01 and 49-14,140.
 12 Sec. 2. Section 49-1483, Reissue Revised Statutes of
 13 Nebraska, is amended to read:
 14 49-1483. (1) Every registered lobbyist for each of his
 15 or her principals, and every principal employing a registered
 16 lobbyist, shall file a separate statement for each calendar quarter
 17 with the Clerk of the Legislature within fifteen days after the end
 18 of each calendar quarter.
 19 Each statement shall show the following:
 20 (a) The total amount received or expended directly or
 21 indirectly for the purpose of carrying on lobbying activities, with
 22 the following categories of expenses each being separately
 23 itemized: (i) Miscellaneous expenses; (ii) entertainment, including
 1 expenses for food and drink as provided in subdivision (2)(b) of
 2 this section; (iii) lodging expenses; (iv) travel expenses; ~~and (v)~~
 3 ~~lobbyist fees for lobbyist services~~ (v) lobbyist compensation,
 4 except that when a principal retains the services of a person who
 5 has only part-time lobbying duties, only the compensation paid
 6 which is reasonably attributable to influencing legislative action
 7 need be reported; ~~and (vi) lobbyist expense reimbursement; (vii)~~
 8 ~~admissions to a state-owned facility or a state-regulated industry~~
 9 ~~or event as provided in subdivision (2)(b) of this section; and~~
 10 (viii) office expenses, if reported;

11 (b) A detailed statement of any money which is loaned,
12 promised, or paid by a lobbyist, a principal, or anyone acting on
13 behalf of either to an official in the executive or legislative
14 branch or member of such official's staff. The detailed statement
15 shall identify the recipient and the amount and the terms of the
16 loan, promise, or payment; and

17 (c) The total amount expended for gifts, other than
18 admissions to a state-owned facility or a state-regulated industry
19 or event, as provided in subdivision (2)(b) of this section.

20 (2)(a) The statement is not required to include office
21 expenses.

22 (b) For purposes of entertainment expenses reported under
23 subdivision (1)(a)(ii) of this section, admissions reported under
24 subdivision (1)(a)(vii) of this section, and gifts reported under
25 subdivision (1)(c) of this section, the statement shall disclose
26 the aggregate expenses for such entertainment, admissions, and
27 gifts for each of the following categories of elected officials:

1 Members of the Legislature; and officials in the executive branch
2 of the state. For purposes of this subdivision, entertainment
3 expenses do not include the cost of events at which the attendance
4 of a member of the Legislature or an official in the executive
5 branch of the state is not the primary reason for the event.

6 (c) The lobbyist shall also file any changes or
7 corrections to the information set forth in the registration
8 required pursuant to section 49-1480 so as to reflect the
9 correctness of such information as of the end of each calendar
10 quarter for which such statement is required by this section.

11 (3) If a lobbyist does not expect to receive lobbying
12 receipts from or does not expect to make lobbying expenditures for
13 a principal, the quarterly statements required by this section as
14 to such principal need not be filed by the lobbyist if the
15 principal and lobbyist both certify such facts in writing to the
16 Clerk of the Legislature. A lobbyist exempt from filing quarterly
17 statements pursuant to this section shall (a) file a statement of
18 activity pursuant to section 49-1488 and (b) resume or commence
19 filing quarterly statements with regard to such principal starting
20 with the quarterly period the lobbyist receives lobbying receipts
21 or makes lobbying expenditures for such principal.

22 (4) If a principal does not expect to receive lobbying
23 receipts or does not expect to make lobbying expenditures, the
24 quarterly statements required pursuant to this section need not be
25 filed by the principal if the principal and lobbyist both certify
26 such facts in writing to the Clerk of the Legislature. A principal
27 exempt from filing quarterly statements pursuant to this section
1 shall commence or resume filing quarterly statements starting with
2 the quarterly period the principal receives lobbying receipts or
3 makes lobbying expenditures.

4 (5) For purposes of this section sections 49-1480 to
5 49-1492, calendar quarter shall mean the first day of January

6 through the thirty-first day of March, the first day of April
7 through the thirtieth day of June, the first day of July through
8 the thirtieth day of September, and the first day of October
9 through the thirty-first day of December.

10 Sec. 3. Section 49-1490, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1490. (1) No principal, lobbyist, or person acting on
13 behalf of either shall within one calendar month give any gift with
14 a value of more than fifty dollars to the following:

15 (a) An official or a member of the official's staff in
16 the executive branch of state government;
17 (b) An official or a member of the official's staff in
18 the legislative branch of state government; or
19 (c) A member of the immediate family of an official in
20 the executive or legislative branch of state government.

21 (2) No official or member of the official's staff in the
22 executive or legislative branch of state government or member of
23 the official's immediate family shall within one calendar month
24 accept from a principal, lobbyist, or person acting on behalf of
25 either any gift with a value of more than fifty dollars. (†) A
26 principal, lobbyist, or anyone acting on behalf of either shall not
27 give a gift to any official or member of any official's staff in
1 the executive or legislative branch of state government or any
2 member of an official's immediate family. Any person who knowingly
3 gives a gift in violation of this subsection shall be guilty of a
4 Class III misdemeanor.

5 (2) An official or any other person on his or her behalf
6 in the legislative or executive branch of state government or a
7 member of such official's staff or immediate family shall not
8 solicit or accept a gift in violation of subsection (†) of this
9 section. Any person who knowingly solicits or accepts a gift in
10 violation of this subsection shall be guilty of a Class III
11 misdemeanor.

12 (3) As used in sections 49-1480 to 49-1492 and section 4
13 of this act, gift shall mean a payment, subscription, advance,
14 forbearance, or honorarium or the rendering or deposit of money,
15 services, or anything of value, the value of which exceeds fifty
16 dollars in any one-month period, unless consideration of equal or
17 greater value is received therefor. Gift shall not include:

18 (a) A campaign contribution otherwise reported as
19 required by law;
20 (b) A commercially reasonable loan made in the ordinary
21 course of business;
22 (c) A gift received from a member of the person's
23 immediate family, a relative, or the spouse of any such relative;
24 (d) A breakfast, luncheon, dinner, or other refreshments
25 consisting of food and beverage provided for immediate consumption;
26 or
27 (e) Admissions to state-regulated industries, facilities,

- 1 of events; or
- 2 (F) The occasional provision of transportation within the
3 State of Nebraska to an officeholder.
- 4 (4) A gift of an admission to a state-owned facility or a
5 state-regulated industry or event may be given regardless of value.
- 6 (5) Any person who knowingly and intentionally violates
7 this section shall be guilty of a Class III misdemeanor.
- 8 Sec. 4. (1) Any agency, political subdivision, or
9 publicly funded postsecondary educational institution which gives a
10 gift of an admission to a facility or event to an official or a
11 member of the official's staff in the executive branch of state
12 government, an official or a member of the official's staff in the
13 legislative branch of state government, or a member of the
14 immediate family of an official in the executive or legislative
15 branch of state government shall report the gift on a form
16 prescribed by the commission.
- 17 (2) The report shall be filed with the Clerk of the
18 Legislature within fifteen days after the end of the calendar
19 quarter in which the gift is given. The report shall include the
20 following:
- 21 (a) The identity of the agency, political subdivision, or
22 publicly funded postsecondary educational institution;
- 23 (b) A description of the gift;
- 24 (c) The value of the gift; and
- 25 (d) The name of the recipient of the gift and the
26 following:
- 27 (i) If the recipient is an official in the executive or
1 legislative branch of state government, the office held by the
2 official and the branch he or she serves;
- 3 (ii) If the recipient is a member of an official's staff
4 in the executive or legislative branch of state government, his or
5 her job title and the name of the official; or
- 6 (iii) If the recipient is a member of the immediate
7 family of an official in the executive or legislative branch of
8 state government, his or her relationship to the official and the
9 name of the official.
- 10 (3) Any person who knowingly and intentionally violates
11 this section shall be guilty of a Class III misdemeanor.
- 12 Sec. 5. Section 49-1496, Reissue Revised Statutes of
13 Nebraska, is amended to read:
- 14 49-1496. (1) The statement of financial interests filed
15 pursuant to sections 49-1493 to 49-14,104 shall be on a form
16 prescribed by the commission.
- 17 (2) Individuals required to file under sections 49-1493
18 to 49-1495 shall file the following information for themselves:
- 19 (a) The name and address of and the nature of association
20 with any business with which the individual was associated and any
21 entity in which a position of trustee was held during the preceding
22 year;

23 (b) The name, address, and nature of business of a
24 person, including a government, political subdivision, or body
25 corporate, from whom any income in the value of one thousand
26 dollars or more was received during the preceding year and the
27 nature of the services rendered. If income results from employment
1 by, operation of, or participation in a proprietorship,
2 partnership, limited liability company, professional corporation or
3 business or nonprofit corporation, or other person, the person may
4 list the proprietorship, partnership, limited liability company,
5 professional corporation or business or nonprofit corporation, or
6 other person as the source and not the patrons, customers,
7 patients, or clients of the proprietorship, partnership, limited
8 liability company, professional corporation or business or
9 nonprofit corporation, or other person;

10 (c) A description, but not the value, of the following,
11 if the fair market value thereof exceeded one thousand dollars: The
12 nature and location of all real property in the state, except the
13 residence of the individual; the depository of checking accounts
14 and savings accounts; the issuer of stocks, bonds, and government
15 securities; and a description of all other property owned or held
16 for the production of income, except property owned or used by a
17 business with which the individual was associated;

18 (d) The name and address of each creditor to whom the
19 value of one thousand dollars or more was owed or guaranteed by the
20 filer or a member of the filer's immediate family. Accounts
21 payable, debts arising out of retail installment transactions or
22 from loans made by financial institutions in the ordinary course of
23 business, loans from a relative, and land contracts that have been
24 properly recorded with the county clerk or the register of deeds
25 need not be included;

26 (e) The name, address, and occupation or nature of
27 business of any person from whom a gift in the value of more than
1 one hundred fifty dollars was received, a description of the gift,
2 the monetary value category of the gift, and the circumstances of
3 each the gift. For purposes of this subdivision, the monetary
4 value of gifts shall be categorized based on a good faith estimate
5 of the individual required to report as follows: Category (i):
6 \$50.01 - \$200; category (ii): \$200.01 - \$500; category (iii):
7 \$500.01 - \$1,000; and category (iv): \$1,000.01 or more. The
8 definition of gift is as set forth in section 49-1423; and

9 (f) Such other information as the person required to file
10 the statement or the commission deems necessary, after notice and
11 hearing, to carry out the purposes of the Nebraska Political
12 Accountability and Disclosure Act.

13 Sec. 6. The commission shall adopt and promulgate rules
14 and regulations prior to January 1, 2001, to carry out the changes
15 made by this legislative bill.

16 Sec. 7. Sections 6 and 7 of this act become operative on
17 their effective date. The other sections of this act become

18 operative on January 1, 2001.

19 Sec. 8. Original sections 49-1483, 49-1490, and 49-1496,
20 Reissue Revised Statutes of Nebraska, and section 49-1401, Revised
21 Statutes Supplement, 1999, are repealed."

Senators Lynch and Janssen filed the following amendment to LB 659:
(Amendment, AM3206, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Kristensen filed the following amendment to LR 6CA:
AM3207

(Amendments to Final Reading copy)

- 1 1. On page 1, line 14, strike "A" and insert "Except as
- 2 otherwise provided by law. a".

UNANIMOUS CONSENT - Add Cointroducers

Senators Aguilar and Lynch asked unanimous consent to have their names
added as cointroducers to LR 487. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 833, 1348, and 1348A.

Enrollment and Review Change to LB 833

The following changes, required to be reported for publication in the
Journal, have been made:
ER9150

1. In the Dierks amendment, AM3063:
 - a. On page 3, line 24, the stricken "any" has been reinstated;
 - b. On page 7, line 23; and page 8, line 4, "exam" has been struck and "examination" inserted; and
 - c. On page 8, lines 15 and 16, the matter beginning with "immediate" through "indirect" has been struck and "immediate supervision, direct supervision, or indirect supervision" inserted.
2. On page 1, the matter beginning with "livestock" in line 1 through line 2 and all amendments thereto have been struck and "veterinary medicine; to amend sections 71-1,153, 71-1,158, 71-1,160, and 71-1,161, Reissue Revised Statutes of Nebraska, and sections 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement, 1999; to change and eliminate provisions of the Nebraska Veterinary Practice Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178, 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised Statutes of Nebraska, and section 71-1,171, Revised Statutes Supplement, 1999." inserted.

Enrollment and Review Change to LB 1348

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

ER9151

1. In the Connealy et al. amendment, AM3131:

a. On page 3, line 10, "agriculture" has been struck and "agricultural" inserted; and in line 20 "and" has been struck and "in order" inserted; and

b. On page 7, line 8, "for grants" has been inserted after "amounts".

2. On page 1, line 3, the second "Nebraska" has been struck; and in line 4 "and Rural Opportunities" has been struck and "Opportunities and Value-Added Partnerships" inserted.

(Signed) Adrian M. Smith, Chairperson

**NOTICE OF COMMITTEE HEARING
Education**

Thursday, March 30, 2000 (cancel)
Coordinating Commission for Postsecondary Education
Earl Scudder

1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

VISITORS

Visitors to the Chamber were 14 seniors and teacher from Sterling High School; Cassandra and Mariah Clark from Gretna; 40 fourth grade students and teachers from St. Wenceslaus Elementary School, Wahoo; 50 students and teachers from Weeping Water; 46 fourth grade students and teachers from Ft. Calhoun Elementary School; 10 fourth grade students and teacher from Trumbull Elementary School; 80 fourth grade students and teacher from Ashland-Greenwood Schools, Ashland; 63 fourth and fifth grade students and teachers from Grant Elementary School, Fremont; and 25 kindergarten through eleventh grade students and teachers from Lewis and Clark Home School Group, South Sioux City.

The Doctor of the Day was Dr. Christi Keim from Lincoln.

ADJOURNMENT

At 2:44 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, April 3, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 3, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 3, 2000

PRAYER

The prayer was offered by Pastor Steve Todd, Horizons Community Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Beutler, Bromm, Brown, Byars, Crosby, Dierks, Engel, Kiel, Kristensen, Lynch, D. Pederson, Quandahl, Redfield, Robak, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

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

The following bill was correctly engrossed: LB 1119.

Enrollment and Review Change to LB 1119

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

ER9152

1. In the E & R amendments, AM7245:

a. Sections 42 and 43 have been renumbered as sections 43 and 42 respectively; and

b. On page 37, line 11, "Act" has been struck.

2. On page 1, line 8, "severability" has been struck and "operative dates" inserted; and in line 9 "operative dates" has been struck and "severability" inserted.

(Signed) Adrian M. Smith, Chairperson

MESSAGES FROM THE GOVERNOR

March 30, 2000

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 a member of the Nebraska Information Technology Commission:

APPOINTEE:

H. H. "Hod" Kosman, 190498 County Road G, Scottsbluff NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

March 31, 2000

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 a member of the Board of Emergency Medical Services:

APPOINTEE:

Katherine Vasa, 2453 County Rd 1, Weston NE 68070

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) Mike Johanns
Governor

vfp/
Attachment

March 31, 2000

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 a member of the Nebraska Information Technology Commission:

APPOINTEE:
Pamela Vanlandingham, 16647 X St, Omaha NE 68135

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment

March 31, 2000

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 a member of the Accountability and Disclosure Commission:

APPOINTEE:
Napoleon Agonor, 11232 Erskine St, Omaha NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

Attachment

March 31, 2000

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 as members of the State Foster Care Review Board:

APPOINTEES:

Sheila Heieck, 105 S 29, Omaha NE 68154
Burrell Williams, 1904 Spencer, Omaha NE 68110
Carole Douglas, 7500 South St #9, Lincoln NE 68506
*Linda Lund, Yacht Club Estates #26, Ogallala NE 69153
*Susan Gilmore, PO Box 8, Carroll NE 68723

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/
Attachment
*Reappointment

AMENDMENT - Print in Journal

Senator Tyson filed the following amendment to LR 437:
AM3195

1 1. Strike "WHEREAS" paragraphs 2 and 3 and insert
2 "WHEREAS, numerous Nebraska men, women, and children have
3 been critically wounded and killed by the action of criminals; and
4 WHEREAS, law enforcement agencies' failure to
5 consistently enforce the 22,000 firearms laws has shocked the
6 conscience of the nation; and"; and in the last "WHEREAS" paragraph
7 strike "devote their lives to protecting" and insert "protect".
8 2. In "RESOLVED" paragraph 2 strike "nonauthorized
9 users" and insert "felons"; and strike "RESOLVED" paragraph 4 and
10 insert
11 "4. That the Legislature urges broad community support
12 for the National Rifle Association's "Eddie Eagle" gun safety
13 program."

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1423: Health and Human Services Partnership Council - Christopher Rodgers; Commission for the Deaf and Hard of Hearing - Tricia Tighe, Margaret Coleman, and Esther Seanor; and Excellence in Health Care Council - Cordelia Okoye.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Bruning	Byars
Chambers	Connealy	Cudaback	Dickey	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Landis	Lynch	Pedersen, Dw.	Preister
Price	Raikes	Schmitt	Smith	Suttle
Thompson	Tyson	Vrtiska	Wickersham	

Voting in the negative, 0.

Present and not voting, 8:

Bohlke	Brashear	Coordsen	Hilgert	Matzke
Schimek	Schrock	Stuhr		

Excused and not voting, 12:

Beutler	Bromm	Brown	Crosby	Dierks
Kiel	Kristensen	Pederson, D.	Quandahl	Redfield
Robak	Wehrbein			

The appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1423: Board of Emergency Medical Services - Robert Olson; and Excellence in Health Care Council - John Klosterman.

Voting in the affirmative, 26:

Aguilar	Baker	Bourne	Bruning	Byars
Connealy	Coordsen	Cudaback	Dickey	Hartnett
Hilgert	Hudkins	Jones	Kremer	Pedersen, Dw.
Preister	Raikes	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson

Vrtiska

Voting in the negative, 1:

Chambers

Present and not voting, 9:

Bohlke	Brashear	Engel	Janssen	Jensen
Landis	Matzke	Price	Wickersham	

Excused and not voting, 13:

Beutler	Bromm	Brown	Crosby	Dierks
Kiel	Kristensen	Lynch	Pederson, D.	Quandahl
Redfield	Robak	Wehrbein		

The appointments were confirmed with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 973A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 925. The Suttle pending amendment, AM2504, found on page 797 and considered on page 1441, was renewed.

Senators Smith and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 19 ayes, 11 nays, and 19 not voting.

Senators Bruning and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CROSBY PRESIDING

Senator Suttle moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Suttle requested a roll call vote on her amendment.

Voting in the affirmative, 20:

Aguilar	Bohlke	Bourne	Brown	Byars
---------	--------	--------	-------	-------

Connealy	Crosby	Hartnett	Hilgert	Janssen
Kiel	Lynch	Preister	Price	Raikes
Robak	Smith	Suttle	Thompson	Wehrbein

Voting in the negative, 17:

Baker	Brashear	Bromm	Coordsen	Dickey
Hudkins	Jones	Kremer	Landis	Matzke
Pedersen, Dw.	Pederson, D.	Redfield	Schrock	Tyson
Vrtiska	Wickersham			

Present and not voting, 5:

Beutler	Chambers	Dierks	Schimek	Schmitt
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Excused and not voting, 7:

Bruning	Cudaback	Engel	Jensen	Kristensen
Quandahl	Stuhr			

The Suttle amendment lost with 20 ayes, 17 nays, 5 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1234A. 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 1234, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1022A. 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 1022, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1027A. 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 1027, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 1003A. 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 1003, Ninety-sixth Legislature, Second Session, 2000.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 1279:
AM3215

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 21-328, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 21-328. Any corporation paying the fees imposed by
- 6 section 21-303 or 21-306 may claim a refund if the payment of such
- 7 fee was invalid for any reason. The corporation shall file a
- 8 written claim and any evidence supporting the claim within ~~two~~
- 9 years after payment of such fee one year after the date the fee was
- 10 due. The Secretary of State shall either approve or deny the claim
- 11 within thirty days after such filing. Any approved claims shall be
- 12 paid out of the General Fund. Appeal of a decision by the
- 13 Secretary of State shall be in accordance with the Administrative
- 14 Procedure Act.
- 15 Sec. 2. Original section 21-328, Reissue Revised
- 16 Statutes of Nebraska, is repealed.
- 17 Sec. 3. Since an emergency exists, this act takes effect
- 18 when passed and approved according to law."

**APPROPRIATIONS COMMITTEE REPORT
ON LB 1217**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB1217.

Total General Fund appropriation vetoes (reductions) contained in the bill are as follows:

Item	FY1999-00	FY2000-01	Future
K-12 Assessment/Reporting		\$1,430,000	
Mental Health provider rates		\$2,000,000	
Region VI hospital reimbursement	\$ 750,000		
Local Transit Authority Aid		\$ 400,000	
NE Transit/Rail Adv. Council Study		\$ 100,000	

Aid to Local Libraries		\$ 150,000	
U of N health care costs	\$1,250,000	\$1,250,000	
Sheldon Art Gallery renovations	\$ 900,000	\$ 987,000	\$1,800,000
Natural Resources Enhancement Fund		\$ 500,000	
Centennial Mall improvements		\$ 500,000	\$ 500,000

Totals	\$2,900,000	\$7,317,000	\$2,300,000

It should be noted that the Governor's veto of K-12 Assessment and Reporting anticipates funding will be determined on Legislative action yet to be taken on LB 812 and LB 812A.

Other vetoes (reductions) contained in the bill are as follows:

Transfer
 From the State Employees Insurance Fund \$ 75,000
 To Health and Life Benefit Admin Cash Fund

The Appropriations Committee recommends the following overrides:

Item	FY1999-00	FY2000-01	Future

Mental Health provider rates		\$2,000,000	
Region VI hospital reimbursement	\$ 750,000		
U of N health care costs	\$1,250,000		
Sheldon Art Gallery renovations		\$ 987,000	\$1,800,000
Centennial Mall improvements		\$ 500,000	

Totals	\$2,000,000	\$3,487,000	\$1,800,000

(Signed) Roger R. Wehrbein, Chair
 Appropriations Committee

GENERAL FILE

LEGISLATIVE BILL 925. Senator Hilgert renewed his pending amendment, AM2593, found on page 923.

The Hilgert amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

PRESIDENT MAURSTAD PRESIDING

Senator Wickersham renewed his pending amendment, AM2707, found on page 949.

Senators Kristensen and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bohlke	Bromm	Bruning	Chambers	Dickey
Dierks	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Matzke	Pederson, D.	Price
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Stuhr	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 16:

Aguilar	Baker	Bourne	Brashear	Brown
Byars	Connealy	Crosby	Hilgert	Landis
Lynch	Pedersen, Dw.	Preister	Suttle	Thompson
Tyson				

Present and not voting, 3:

Beutler	Cudaback	Kiel
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Excused and not voting, 5:

Coordsen	Engel	Kristensen	Quandahl	Smith
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The Wickersham amendment was adopted with 25 ayes, 16 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Brown renewed her pending amendment, AM2693, found on page 949.

Senator Brown withdrew her amendment.

Pending.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1003. Placed on Select File as amended.
(E & R amendment, AM7252, 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 1067. Placed on Select File as amended.
E & R amendment to LB 1067:
AM7250

- 1 1. In the Standing Committee amendments, AM2614:
- 2 a. On page 3, line 9, after "rate" insert "to be"; and
- 3 b. On page 4, lines 12 and 13; and page 6, line 14,
- 4 strike "in the amount" and insert "as".
- 5 2. On page 1, line 1, strike "66-482 and"; in line 2
- 6 strike "to" and insert ", 66-4,142, and"; and in line 6 strike "to"
- 7 and insert ", 77-502, and".

LEGISLATIVE BILL 1167. Placed on Select File as amended.
(E & R amendment, AM7264, 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 1167A. Placed on Select File.

LEGISLATIVE BILL 1234. Placed on Select File as amended.
E & R amendment to LB 1234:
AM7251

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) The Ethanol Pricing Task Force is
- 4 created. The task force shall examine the practices, policies, and
- 5 methods by which ethanol prices are set and shall include a
- 6 comparison of ethanol prices to other motor fuel prices in
- 7 Nebraska. The task force shall collect data on price differences
- 8 and how they impact the marketing and sale of ethanol. On or
- 9 before December 1, 2000, the task force shall file a written report
- 10 with the Legislature with its findings and recommendations
- 11 concerning ethanol pricing practices.
- 12 (2) The task force shall consist of nine members as
- 13 follows:
- 14 (a) A representative of petroleum marketers;
- 15 (b) A representative of motor fuel retailers;
- 16 (c) A representative of the ethanol industry;
- 17 (d) An agricultural producer;
- 18 (e) A member of the Nebraska Ethanol Board;
- 19 (f) A representative of the Motor Fuel Tax Enforcement
- 20 and Collection Division of the Department of Revenue;

- 21 (g) One person representing environmental interests; and
22 (h) Two members of the Legislature, including the
23 chairperson of the Natural Resources Committee.
- 24 The Governor shall appoint members in subdivisions (a)
1 through (g) of this subsection. The Executive Board of the
2 Legislative Council shall appoint members in subdivision (h) of
3 this subsection. Members shall be reimbursed for their actual and
4 necessary expenses incurred in the performance of their official
5 duties as provided in sections 81-1174 to 81-1177.
- 6 (3) The Executive Board of the Legislative Council shall
7 provide the task force with necessary equipment, supplies, and
8 staff support.
- 9 (4) The task force shall terminate on December 31, 2000.
- 10 Sec. 2. On or after the effective date of this act, a
11 retailer shall not offer for sale in this state any petroleum
12 product that contains more than one percent of methyl tertiary
13 butyl ether (MTBE) by volume. For purposes of this section,
14 retailer has the same definition as in section 66-482.
- 15 Sec. 3. The Legislature finds that (1) existing
16 monitoring of ground water quality performed by natural resources
17 districts is excellent and deserves recognition, (2) substantial
18 efforts have been undertaken by the Department of Environmental
19 Quality to monitor surface water quality, and (3) it is within the
20 state's capacity to develop a comprehensive, integrated statewide
21 water quality monitoring system.
- 22 Sec. 4. The Department of Environmental Quality shall
23 conduct a comprehensive study of water quality monitoring in
24 Nebraska pursuant to section 5 of this act. In preparing Phase I
25 of the study, the department shall work with and consult an
26 advisory committee consisting of a designee from each of the
27 following: The American Consulting Engineers Council of Nebraska,
1 the Department of Agriculture, the Nebraska Natural Resources
2 Commission, the Department of Health and Human Services Regulation
3 and Licensure, the Department of Natural Resources, the League of
4 Nebraska Municipalities, the Nebraska Association of Resources
5 Districts, the Game and Parks Commission, the United States
6 Geological Survey, and the University of Nebraska. The advisory
7 group for Phase II of the study shall include the members listed in
8 this section for Phase I and be expanded to include all groups
9 found by the Department of Environmental Quality to be significant
10 stakeholders in the water quality area. Phase I of the study shall
11 be presented to the Natural Resources Committee of the Legislature
12 on or before December 1, 2000, and Phase II shall be presented to
13 the committee on or before June 30, 2001.
- 14 Sec. 5. (1) The study required by section 4 of this act
15 shall consist of two phases. Phase I of the study shall consist of
16 an assessment of Nebraska's current water quality monitoring
17 efforts and shall address, but not be limited to, the following:
18 (a) A detailed description of all current water quality

19 monitoring efforts at the state and local levels, including scope,
20 location, timing, procedure, number of personnel, state agency or
21 local government involved, and funding; and

22 (b) An analysis of current water quality monitoring
23 efforts, indicating what the existing system does well and fails to
24 do or does inadequately. The analysis shall address, but not be
25 limited to, the following questions:

26 (i) Is the current number of monitoring sites sufficient
27 to provide accurate information on water quality in all regions of
1 the state;

2 (ii) Is the current frequency of monitoring efforts
3 sufficient to provide an accurate measurement of changes in water
4 quality over time;

5 (iii) Are the current methods of sample collection and
6 analysis scientifically sound and is the collection of samples and
7 subsequent testing conducted in a manner which reasonably assures
8 accurate measurements;

9 (iv) Is the current reporting process timely and does it
10 present information to policymakers in an understandable and usable
11 form;

12 (v) Is the current coordination of monitoring efforts
13 between the Department of Environmental Quality, natural resources
14 districts, and county or local governments sufficient; and

15 (vi) Does the current system provide a mechanism ensuring
16 statewide or regional coordination of water quality monitoring
17 efforts when desirable.

18 (2) Phase II of the study shall utilize the information
19 gathered during Phase I and shall consist of a detailed description
20 of the changes required in the current system to establish a
21 comprehensive, integrated statewide water quality monitoring
22 system, including preferred alternatives if multiple options exist.
23 The proposed monitoring system shall include, but not be limited
24 to, the following:

25 (a) Recommended monitoring site locations;

26 (b) A description of acceptable monitoring techniques;

27 (c) The institutional flexibility to allow contaminants
1 to be monitored on a statewide or regional basis as needed;

2 (d) Procedures to determine when coordinated monitoring
3 between state and local entities is needed and policies for
4 directing such monitoring;

5 (e) Provisions for the development of long-term trend
6 lines for problem contaminants, for the inclusion of new
7 contaminants, and for elimination of contaminants no longer
8 requiring monitoring;

9 (f) Mechanisms to determine the best locations to monitor
10 water quality for different types of contaminants and how to define
11 local or regional problem areas; and

12 (g) An estimate of funding necessary to implement the
13 recommendations of the study."

14 2. On page 1, strike beginning with "improve" in line 1
15 through line 6 and insert "create the Ethanol Pricing Task Force;
16 to provide duties and a termination date; to prohibit the sale of
17 methyl tertiary butyl ether as prescribed; and to provide for a
18 study and findings relating to water quality monitoring."

LEGISLATIVE BILL 1200. Placed on Select File as amended.
(E & R amendment, AM7253, 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 1221. Placed on Select File as amended.
E & R amendment to LB 1221:
AM7256

1 1. On page 1, line 5, strike "section" and insert
2 "sections 48-120.02, 48-145, 48-145.04, and"; strike beginning with
3 "the" in line 6 through "provisions" in line 7 and insert
4 "provisions relating to age of dependency, service of process,
5 review, certification of managed care plans, and self-insurers";
6 and in line 8 after "duties" insert "of the Nebraska Workers'
7 Compensation Court".

LEGISLATIVE BILL 932. Placed on Select File as amended.
E & R amendment to LB 932:
AM7260

1 1. On page 1, line 1, after "sections" insert
2 "8-148.07,"; and in line 9 after "of" insert "bank subsidiary
3 corporations,".
4 2. On page 8, line 28, strike "the".
5 3. On page 45, line 13; and page 47, line 25, strike
6 "21" and all amendments thereto and insert "23".

LEGISLATIVE BILL 901. Placed on Select File as amended.
(E & R amendment, AM7257, 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 901A. Placed on Select File.

LEGISLATIVE BILL 1008. Placed on Select File as amended.
E & R amendment to LB 1008:
AM7263

1 1. On page 1, line 4, strike "powers and"; and in line 6
2 after the semicolon insert "to authorize access to and judicial
3 notice of certain reports;".
4 2. On page 2, line 14, insert an underscored comma after
5 "occupation".
6 3. On page 4, line 8, insert an underscored comma after
7 "confidential".

LEGISLATIVE BILL 1086. Placed on Select File as amended.
E & R amendment to LB 1086:

AM7262

- 1 1. On page 1, strike beginning with the first "and" in
- 2 line 8 through the semicolon in line 9 and insert "pickle cards,
- 3 and lotteries and raffles;".

LEGISLATIVE BILL 495. Placed on Select File as amended.
E & R amendment to LB 495:

AM7259

- 1 1. In the Stuhr amendment, AM3193, on page 2, line 2,
- 2 strike "on".
- 3 2. On page 1, strike beginning with "amend" in line 1
- 4 through line 5 and insert "adopt the Education and Career
- 5 Preparation Act; to create a task force; to provide a termination
- 6 date; and to declare an emergency.".

LEGISLATIVE BILL 349. Placed on Select File.

LEGISLATIVE BILL 1304. Placed on Select File as amended.
E & R amendment to LB 1304:

AM7258

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 84-304, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 84-304. It shall be the duty of the Auditor of Public
- 6 Accounts:
- 7 (1) To give information in writing to the Legislature,
- 8 whenever required, upon any subject relating to the fiscal affairs
- 9 of the state or with regard to any duty of his or her office;
- 10 (2) To furnish offices for himself or herself and all
- 11 fuel, lights, books, blanks, forms, paper, and stationery required
- 12 for the proper discharge of the duties of his or her office;
- 13 (3) ~~(a)~~ To examine or cause to be examined, at such time
- 14 as he or she shall determine, books, accounts, vouchers, records,
- 15 and expenditures of all state officers, state bureaus, state
- 16 boards, state commissioners, the state library, societies and
- 17 associations supported by the state, state institutions, state
- 18 colleges, and the University of Nebraska, except when required to
- 19 be performed by other officers or persons; ;
- 20 ~~(b) to~~ (4) To examine or cause to be examined, at the
- 21 expense of the political subdivision, when the Auditor of Public
- 22 Accounts determines such examination necessary or when requested by
- 23 the political subdivision, the books, accounts, vouchers, records,
- 24 and expenditures of an agricultural association formed under
- 1 Chapter 2, article 20, county agricultural society, joint airport
- 2 authority formed under the Joint Airport Authorities Act, city or
- 3 county airport authority, development district, regional council,

4 drainage district, ~~fire protection district~~, health district,
5 historical society, hospital authority or district, county
6 hospital, irrigation district, county or municipal library,
7 community mental health center, railroad transportation safety
8 district, rural water district, township, or the Wyuka Cemetery; ;
9 and

10 ~~(e)~~ (5) To report promptly to the Director of
11 Administrative Services and the appropriate standing committee of
12 the Legislature the fiscal condition shown by such examinations
13 conducted by the auditor, including any irregularities or
14 misconduct of officers or employees, any misappropriation or misuse
15 of public funds or property, and any improper system or method of
16 bookkeeping or condition of accounts;

17 (6)(a) To examine or cause to be examined the books,
18 accounts, vouchers, records, and expenditures of a fire protection
19 district. The expense of the examination shall be paid by the
20 political subdivision. An examination of any volunteer department
21 as defined in section 35-901 shall not include an examination of
22 the volunteer department trust fund.

23 (b) Whenever the expenditures of a fire protection
24 district are less than one hundred fifty thousand dollars per
25 fiscal year, the fire protection district shall be audited no more
26 than once every five years except as directed by the board of
27 directors of the fire protection district or unless the Auditor of
1 Public Accounts auditor receives a verifiable report from a third
2 party indicating any irregularities or misconduct of officers or
3 employees of the fire protection district, any misappropriation or
4 misuse of public funds or property, or any improper system or
5 method of bookkeeping or condition of accounts of the fire
6 protection district. In the absence of such a report, the Auditor
7 of Public Accounts auditor may waive the five-year audit
8 requirement upon the submission of a written request by the fire
9 protection district in a form prescribed by the Auditor of Public
10 Accounts auditor. The Auditor of Public Accounts auditor shall
11 notify the fire protection district in writing of the approval or
12 denial of a request for waiver of the five-year audit requirement.
13 Upon approval of the request for waiver of the five-year audit
14 requirement, a new five-year audit period shall begin.

15 (c) Whenever the expenditures of a fire protection
16 district exceed one hundred fifty thousand dollars in a fiscal
17 year, the auditor may waive the audit requirement upon the
18 submission of a written request by the fire protection district in
19 a form prescribed by the auditor. The auditor shall notify the
20 fire protection district in writing of the approval or denial of a
21 request for waiver. Upon approval of the request for waiver, a new
22 five-year audit period shall begin for the fire protection district
23 if its expenditures are less than one hundred fifty thousand
24 dollars per fiscal year in subsequent years; -

25 (7) To The Auditor of Public Accounts shall appoint two

26 assistant deputies ~~(i)~~ (a) whose entire time shall be devoted to
 27 the service of the state as directed by the auditor, ~~(ii)~~ (b) who
 1 shall be certified public accountants with at least five years'
 2 experience, ~~(iii)~~ (c) who shall be selected without regard to party
 3 affiliation or to place of residence at the time of appointment,
 4 ~~(iv)~~ (d) who shall promptly report in duplicate to the auditor the
 5 fiscal condition shown by each examination, including any
 6 irregularities or misconduct of officers or employees, any
 7 misappropriation or misuse of public funds or property, and any
 8 improper system or method of bookkeeping or condition of accounts,
 9 and it shall be the duty of the auditor to file promptly with the
 10 Governor a duplicate of such report, and ~~(v)~~ (e) who shall qualify
 11 by taking an oath which shall be filed in the office of the
 12 Secretary of State; and

13 (4) ~~Conduct~~ (8) To conduct audits and related activities
 14 for state agencies, political subdivisions of this state, or
 15 grantees of federal funds disbursed by a receiving agency on a
 16 contractual or other basis for reimbursement to assure proper
 17 accounting by all such agencies, political subdivisions, and
 18 grantees for funds appropriated by the Legislature and federal
 19 funds disbursed by any receiving agency. The Auditor of Public
 20 Accounts ~~auditor~~ may contract with any political subdivision to
 21 perform the audit of such political subdivision required by or
 22 provided for in section 23-1608 or 79-1229 or this section and
 23 charge the political subdivision for conducting the audit. The
 24 fees charged by the auditor for conducting audits on a contractual
 25 basis shall be in an amount sufficient to pay the cost of the
 26 audit. The fees remitted to the auditor for such audits and
 27 services shall be deposited in the Auditor of Public Accounts Cash
 1 Fund; and -

2 (9) To conduct all ~~All the~~ audits and examinations
 3 ~~conducted by the Auditor of Public Accounts shall be conducted in a~~
 4 timely manner and in accordance with the standards for audits of
 5 governmental organizations, programs, activities, and functions
 6 published by the Comptroller General of the United States.
 7 Sec. 2. Original section 84-304, Reissue Revised
 8 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 26. Placed on Select File as amended.

E & R amendment to LB 26:

AM7254

1 1. Strike the original sections and all amendments
 2 thereto and insert:

3 "Section 1. The Legislature finds that, for Nebraska to
 4 compete effectively in the world, it must have an educated and
 5 productive work force. In order to have an educated and productive
 6 work force, it must prepare its children to learn, and in order to
 7 do so the children must be well-nourished. The Legislature finds
 8 that school breakfast and lunch programs are integral parts of

9 Nebraska's educational system.

10 Sec. 2. The Legislature shall reimburse each qualified
11 public school in Nebraska a portion of the cost of such school's
12 school breakfast program in the amount of five cents per school
13 breakfast served by such school. To qualify, a school district
14 shall operate a school lunch program and the district shall have
15 received equalization aid as defined in section 79-1003 in the
16 school fiscal year in which the breakfasts were served. The
17 Legislature shall appropriate money from the General Fund to carry
18 out this section.

19 Sec. 3. Payments pursuant to section 2 of this act shall
20 be made to each school district according to rules and regulations
21 for disbursements adopted and promulgated by the State Department
22 of Education."

23 2. On page 1, line 2, strike "meal" and insert
24 "breakfast".

LEGISLATIVE BILL 26A. Placed on Select File.

LEGISLATIVE BILL 1410. Placed on Select File as amended.

E & R amendment to LB 1410:

AM7255

1 1. Strike the original sections and all amendments
2 thereto and insert:

3 "Section 1. (1) The Nebraska Lewis and Clark
4 Bicentennial Commission is established and has the following
5 members:

6 (a) A chairperson, a vice-chairperson, and five other
7 members appointed by the Governor, at least one of whom shall be an
8 enrolled member of a Nebraska Indian tribe. All appointed members
9 shall serve three-year terms and may be reappointed. All appointed
10 members shall have an interest in the history of the Lewis and
11 Clark expedition;

12 (b) The Director of the Nebraska State Historical Society
13 or his or her designee;

14 (c) The secretary of the Game and Parks Commission or his
15 or her designee;

16 (d) The head of the Travel and Tourism Division of the
17 Department of Economic Development or his or her designee;

18 (e) The President of the University of Nebraska or his or
19 her designee; and

20 (f) The executive director of the Commission on Indian
21 Affairs or his or her designee.

22 (2) The Nebraska Lewis and Clark Bicentennial Commission
23 shall coordinate and promote the observance of Nebraska's
24 bicentennial commemoration of the Lewis and Clark expedition. The
1 commission shall seek designation as a nonprofit organization under
2 section 501(c)(3) of the Internal Revenue Code. The commission
3 may:

- 4 (a) Cooperate with national, regional, statewide, and
 5 local events promoting the bicentennial;
 6 (b) Plan, assist, coordinate, or conduct bicentennial
 7 events;
 8 (c) Engage in fundraising activities, including
 9 revenue-earning enterprises and the solicitation of grants, gifts,
 10 and donations;
 11 (d) Promote public education concerning the Lewis and
 12 Clark expedition;
 13 (e) Coordinate interagency participation in the
 14 observation and work with appropriate federal entities such as the
 15 National Park Service, the United States Forest Service, and the
 16 United States Army;
 17 (f) Appoint various local and regional advisory
 18 committees; and
 19 (g) Perform any other related duties.
- 20 (3) The Nebraska Lewis and Clark Bicentennial Fund is
 21 created. All money collected by the commission shall be remitted
 22 to the State Treasurer for credit to the fund. Money collected may
 23 include money from revenue-earning enterprises, grants, gifts,
 24 bequests, or donations, appropriations by the Legislature, and
 25 interest earned. Money in the fund shall be used only for the
 26 purposes described in this section. Any money in the fund
 27 available for investment shall be invested by the state investment
 1 officer pursuant to the Nebraska Capital Expansion Act and the
 2 Nebraska State Funds Investment Act.
- 3 (4) Members of the Nebraska Lewis and Clark Bicentennial
 4 Commission shall serve without compensation but shall be reimbursed
 5 for their actual and necessary expenses as provided in sections
 6 81-1174 to 81-1177.
- 7 Sec. 2. The Nebraska Lewis and Clark Bicentennial
 8 Commission terminates on December 31, 2007.
- 9 Sec. 3. Since an emergency exists, this act takes effect
 10 when passed and approved according to law."

LEGISLATIVE BILL 1410A. Placed on Select File.

LEGISLATIVE BILL 1251. Placed on Select File.

LEGISLATIVE BILL 825. Placed on Select File as amended.

E & R amendment to LB 825:

AM7261

- 1 1. In the Standing Committee amendments, AM2040:
 2 a. On page 1, line 13, strike "a";
 3 b. On page 4, line 2, strike the second "of"; in line 9
 4 strike "Operation" and insert "Operator"; and in line 20 strike the
 5 second comma;
 6 c. On page 5, line 13, strike "of" and insert "for"; and
 7 in line 18 strike "issued a license"; and
 8 d. On page 11, line 17, strike "funds" and insert

9 "money"; and in line 27 strike "Operation" and insert "Operator".

LEGISLATIVE BILL 825A. Placed on Select File.

LEGISLATIVE BILL 956. Placed on Select File.

LEGISLATIVE BILL 1361. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

GENERAL FILE

LEGISLATIVE BILL 925. Senator Landis withdrew his amendment, AM2696, found on page 951.

Senator Raikes renewed his pending amendment, AM2822, found on page 1074.

Senator Raikes withdrew his amendment.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment:

FA363

Strike original sections 1 through 8 and all amendments thereto.

Senator Wickersham moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Wickersham requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 19:

Baker	Bromm	Chambers	Coordsen	Dickey
Hudkins	Jensen	Kremer	Pederson, D.	Raikes
Redfield	Robak	Schmitt	Schrock	Stuhr
Suttle	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 18:

Aguilar	Beutler	Bourne	Brown	Byars
Connealy	Crosby	Hartnett	Kiel	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Price
Schimek	Thompson	Tyson		

Present and not voting, 7:

Bohlke	Cudaback	Dierks	Hilgert	Janssen
Jones	Preister			

Excused and not voting, 5:

Brashear Bruning Engel Quandahl Smith

The Wickersham amendment lost with 19 ayes, 18 nays, 7 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 legislative appointments:

Agonor, Napoleon - Accountability and Disclosure Commission -- Government, Military and Veterans Affairs

Douglas, Carole - State Foster Care Review Board -- Health and Human Services

Gilmore, Susan - State Foster Care Review Board -- Health and Human Services

Heieck, Sheila - State Foster Care Review Board -- Health and Human Services

Kosman, H. H. "Hod" - Nebraska Information Technology Commission -- Transportation and Telecommunications

Lund, Linda - State Foster Care Review Board -- Health and Human Services

Vanlandingham, Pamela - Nebraska Information Technology Commission -- Transportation and Telecommunications

Vasa, Katherine - Board of Emergency Medical Services -- Health and Human Services

Williams, Burrell - State Foster Care Review Board -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Senators Bohlke, Coordsen, and Kremer filed the following amendment to LB 1213:

(Amendment, AM3234, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Wickersham filed the following amendment to LB 1067:
(Amendment, AM3205, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 973A.

(Signed) Adrian M. Smith, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LB 26.

(Signed) Deborah Suttle

RESOLUTION

LEGISLATIVE RESOLUTION 490. Introduced by Schrock, 38.

WHEREAS, Peggy Malzacher, of Alma, Nebraska, reigning "Mrs. Nebraska" from 1999; and

WHEREAS, Mrs. Malzacher has been married to Curtis Malzacher for 5 1/2 years, and they have three boys: Two-year-old Austin and one-year-old twins, John and Matthew; and

WHEREAS, Mrs. Malzacher has a bachelor's degree in Speech Communication and a master's degree in Biblical Counseling, and she enjoys speaking to troubled youth, young mothers, women's groups, senior centers, and schools; and

WHEREAS, What Mrs. Malzacher enjoys most about being "Mrs. Nebraska" is sharing biblical principles that will help the quality of people's lives.

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

1. That the Legislature congratulates Mrs. Malzacher and commends her for her charitable work and achievements. -

Laid over.

STANDING COMMITTEE REPORTS
General Affairs

The General 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 Advisory Commission on Compulsive Gambling
Jerry Bauerkemper
Thomas L. Nutt
Judy Streeks

VOTE: Aye: Senators Connealy, Dickey, Hartnett, Janssen, Quandahl, and Schrock. Nay: None. Absent: Senators Cudaback and Smith.

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 Arts Council
Thompson Rogers

VOTE: Aye: Senators Connelay, Dickey, Hartnett, Janssen, and Quandahl. Nay: None. Absent: Senators Cudaback, Schrock, and Smith.

(Signed) Ray Janssen, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture

Monday, April, 10, 2000
Dry Bean Commission
David Howell

1:20 p.m.

(Signed) Merton L. Dierks, Chairperson

MESSAGE FROM THE GOVERNOR

March 30, 2000

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Earl Scudder's name from the confirmation hearing for the Coordinating Commission for Post-Secondary Education scheduled for today, Thursday, March 30, 2000, 1:30 p.m. at the Education hearing due to his resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

vfp/

VISITORS

Visitors to the Chamber were 30 students and teacher from Gibbon High School; 13 members of the Rotary Club from Holdrege; 60 fourth grade students and teacher from Conestoga Elementary School, Nehawka; 11 fourth grade students and teacher from Cornerstone Christian School, Bellevue; and 120 students and teacher from Kern Junior High School, Council Bluffs, Iowa and Senator Dw. Pedersen's brother, Dwain Pedersen.

RECESS

At 12:08 p.m., on a motion by Senator Landis, 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 Senators Bohlke and Smith who were excused until they arrive.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications

Monday, April 10, 2000
Nebraska Information Technology Commission
H. H. "Hod" Kosman
Pamela Vanlandingham

8:45 a.m.

(Signed) Curt Bromm, Chairperson

MOTION - Override Line-Item Veto on LB 1217

The Appropriations Committee moved pursuant to Rule 6, Section 14, to override the Governor's line-item vetoes to LB 1217 contained in:

1. The following sections for Mental Health provider rates:
 - a. Section 19, program 34 Alcohol/Drug Addiction Aid
 - b. Section 21, program 347 Public Assistance
 - c. Section 22, program 348 Medical Assistance
 - d. Section 23, program 366 Community Mental Health--Aid

2. Section 24, for Region VI Hospital reimbursement, MH services.
3. Section 36, for University of Nebraska employee health care costs for only FY 1999-00.
4. Section 37, for University of Nebraska, Sheldon Memorial Art Gallery renovations for only FY2000-01 and "Future."
5. Section 48, for Centennial Mall improvements for only FY2000-01.

Senators Dierks and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 18:

Beutler	Bourne	Brown	Crosby	Cudaback
Engel	Janssen	Kiel	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Price	Robak
Suttle	Thompson	Wehrbein		

Voting in the negative, 30:

Aguilar	Baker	Bohlke	Brashear	Bromm
Bruning	Byars	Chambers	Connealy	Coordsen
Dickey	Dierks	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Preister
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Stuhr	Tyson	Vrtiska	Wickersham

Excused and not voting, 1:

Smith

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

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Monday, April 10, 2000
 Accountability and Disclosure Commission
 Napoleon Agonor
 Marilee Fredrickson

1:15 p.m.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 951:
 AM3048

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 39-1345.01, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 39-1345.01. Whenever the Department of Roads, under the
- 5 authority of section 39-1345, permits the public use of a highway
- 6 undergoing construction, repair, or maintenance in lieu of a detour
- 7 route, the contractor shall not be held responsible for damages to
- 8 those portions of the project upon which the department has
- 9 permitted public use, when such damages are the result of no
- 10 proximate act or failure to act on the part of the contractor, ~~;~~
- 11 ~~except in those instances where traffic upon the portion being~~
- 12 ~~constructed was contemplated in the specifications.~~
- 13 Sec. 4. Section 60-6,298, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 60-6,298. (1)(a) The Department of Roads or the Nebraska
- 16 State Patrol, with respect to highways under its jurisdiction
- 17 including the National System of Interstate and Defense Highways,
- 18 and local authorities, with respect to highways under their
- 19 jurisdiction, may in their discretion upon application and good
- 20 cause being shown therefor issue a special, continuing, or permit
- 21 ~~or~~ a continuous permit in writing authorizing the applicant or his
- 22 or her designee:
- 23 (i) To operate or move a vehicle, a combination of
- 24 vehicles, or objects of a size or weight of vehicle or load
- 1 exceeding the maximum specified by law when such permit is
- 2 necessary:
- 3 (A) To further the national defense or the general
- 4 welfare;
- 5 (B) To permit movement of cost-saving equipment to be
- 6 used in highway or other public construction or in agricultural
- 7 land treatment; or

8 (C) Because of an emergency, an unusual circumstance, or
9 a very special situation;

10 (ii) To operate vehicles, for a distance up to one
11 hundred twenty miles, loaded up to fifteen percent greater than the
12 maximum weight specified by law, up to ten percent greater than the
13 maximum length specified by law, except that for a truck-tractor
14 semitrailer trailer combination utilized to transport sugar beets
15 which may be up to twenty-five percent greater than the maximum
16 length specified by law, or both, when carrying grain or other
17 seasonally harvested products from the field where such grain or
18 products are harvested to storage, market, or stockpile in the
19 field or from stockpile to market or factory when failure to move
20 such grain or products in abundant quantities would cause an
21 economic loss to the person or persons whose grain or products are
22 being transported or when failure to move such grain or products in
23 as large quantities as possible would not be in the best interests
24 of the national defense or general welfare. The distance
25 limitation may be waived for vehicles when carrying dry beans from
26 the field where harvested to storage or market when dry beans are
27 not normally stored, purchased, or used within the permittee's
1 local area and must be transported more than one hundred twenty
2 miles to an available marketing or storage destination. Except for
3 farm trucks as provided in subdivision (b) of this subsection, no
4 permit shall authorize a weight greater than twenty thousand pounds
5 on any single axle; or

6 (iii) To transport an implement of husbandry which does
7 not exceed twelve and one-half feet in width during daylight hours,
8 except that the permit shall not allow transport on holidays.

9 (b) Any farm truck as defined in section 60-301 with not
10 more than two axles may operate with a special permit for a
11 distance of up to forty miles with an excess axle load of not more
12 than five percent in excess of the maximum load permitted for a
13 single axle by section 60-6,294 when such truck is being used for
14 carrying grain or other seasonally harvested products from the
15 field where such grain or products are harvested to storage,
16 market, or stockpile in the field, except that such truck shall not
17 operate on the National System of Interstate and Defense Highways.

18 (c) No permit shall be issued under subdivision (a)(i) of
19 this subsection for a vehicle carrying a load unless such vehicle
20 is loaded with an object which exceeds the size or weight
21 limitations, which cannot be dismantled or reduced in size or
22 weight without great difficulty, and which of necessity must be
23 moved over the highways to reach its intended destination. No
24 permit shall be required for the temporary movement on highways
25 other than dustless-surfaced state highways and for necessary
26 access to points on such highways during daylight hours of
27 cost-saving equipment to be used in highway or other public
1 construction or in agricultural land treatment when such temporary
2 movement is necessary and for a reasonable distance.

- 3 (2) The application for any such permit shall
4 specifically describe the vehicle, the load to be operated or
5 moved, whenever possible the particular highways for which permit
6 to operate is requested, and whether such permit is requested for a
7 single trip or for continuous or continuing operation.
- 8 (3) The department or local authority is authorized to
9 issue or withhold such permit at its discretion or, if such permit
10 is issued, to limit the number of days during which the permit is
11 valid, to limit the number of trips, to establish seasonal or other
12 time limitations within which the vehicles described may be
13 operated on the highways indicated, or to issue a continuous or
14 continuing permit for use on all highways, including the National
15 System of Interstate and Defense Highways. The permits are subject
16 to reasonable conditions as to periodic renewal of such permit and
17 as to operation or movement of such vehicles. The department or
18 local authority may otherwise limit or prescribe conditions of
19 operation of such vehicle or vehicles, when necessary to assure
20 against undue damage to the road foundations, surfaces, or
21 structures or undue danger to the public safety. The department or
22 local authority may require such undertaking or other security as
23 may be deemed necessary to compensate for any injury to any roadway
24 or road structure.
- 25 (4) Every such permit shall be carried in the vehicle to
26 which it refers and shall be open to inspection by any peace
27 officer, carrier enforcement officer, or authorized agent of any
1 authority granting such permit. Each such permit shall state the
2 maximum weight permissible on a single axle or combination of axles
3 and the total gross weight allowed. No person shall violate any of
4 the terms or conditions of such special permit. In case of any
5 violation, the permit shall be deemed automatically revoked and the
6 penalty of the original limitations shall be applied unless:
7 (a) The violation consists solely of exceeding the size
8 or weight specified by the permit, in which case only the penalty
9 of the original size or weight limitation exceeded shall be
10 applied; or
11 (b) The total gross load is within the maximum authorized
12 by the permit, no axle is more than ten percent in excess of the
13 maximum load for such axle or group of axles authorized by the
14 permit, and such load can be shifted to meet the weight limitations
15 of wheel and axle loads authorized by such permit. Such shift may
16 be made without penalty if it is made at the state or commercial
17 scale designated in the permit. The vehicle may travel from its
18 point of origin to such designated scale without penalty, and a
19 scale ticket from such scale, showing the vehicle to be properly
20 loaded and within the gross and axle weights authorized by the
21 permit, shall be reasonable evidence of compliance with the terms
22 of the permit.
- 23 (5) The department or local authority issuing a permit as
24 provided in this section may adopt and promulgate rules and

25 regulations with respect to the issuance of permits provided for in
 26 this section.

27 (6) The department shall make available applications for
 1 permits authorized pursuant to subdivisions (1)(a)(ii),
 2 (1)(a)(iii), and (1)(b) of this section in the office of each
 3 county treasurer. The department may make available applications
 4 for all other permits authorized by this section to the office of
 5 the county treasurer and may make available applications for all
 6 permits authorized by this section to any other location chosen by
 7 the department.

8 (7) The department or local authority issuing a permit
 9 may require a permit fee of not to exceed ~~ten~~ twenty-five dollars,
 10 except that:

11 (a) The fee for a continuous or continuing permit may not
 12 exceed twenty-five dollars for a ninety-day period, fifty dollars
 13 for a one-hundred-eighty-day period, or one hundred dollars for a
 14 one-year period; and

15 (b) The fee for permits issued pursuant to subdivisions
 16 (1)(a)(ii) and (1)(b) of this section shall be twenty-five dollars
 17 for a thirty-day permit and fifty dollars for a sixty-day permit.
 18 Permits issued pursuant to such subdivisions shall be valid for
 19 thirty days or sixty days and shall be renewable for a total number
 20 of days not to exceed one hundred and twenty days per year.

21 A vehicle or combination of vehicles for which an
 22 application for a permit is requested pursuant to this section
 23 shall be registered under section 60-305.09 or 60-331 for the
 24 maximum gross vehicle weight that is permitted pursuant to section
 25 60-6,294 before a permit shall be issued except as provided in
 26 subdivision (1)(b) of this section."

27 2. On page 5, line 21, after "Original" insert "sections
 1 39-1345.01 and 60-6,298, Reissue Revised Statutes of Nebraska, and
 2 "; and in line 22 strike "is" and insert "are".

3 3. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 1234:
 AM3223

(Amendments to E & R amendments, AM7251)

1 1. Insert the following new sections:

2 "Sec. 6. Section 81-1532, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 81-1532. Sections 81-1501 to ~~81-1533~~ 81-1532 shall be
 5 known and may be cited as the Environmental Protection Act.

6 Sec. 7. Section 81-15,152, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 81-15,152. The council shall have the following powers
 9 and duties:

10 (1) The power to adopt and promulgate rules and
 11 regulations to govern the application procedure and requirements
 12 for making loans under the Wastewater Treatment Facilities

13 Construction Assistance Act;

14 (2) The power to adopt a system for the ranking of
15 wastewater treatment construction projects with known needs or for
16 which loan applications have been received by the department. In
17 establishing the system the council shall consider, among other
18 things, the severity of pollution, public health, water quality
19 impact, population, financial capability, and eligibility of the
20 construction project for federal or state funds. This priority
21 system shall be reviewed annually by the council;

22 (3) The power to adopt and promulgate rules and
23 regulations to govern types of nonpoint source control system
1 projects which will be eligible for loans and to adopt a system for
2 priority ranking of such projects;

3 (4) The power to adopt a system of establishing interest
4 rates to be charged on loans. The system shall presume that the
5 current market interest rate shall be charged unless a municipality
6 or a county demonstrates a serious financial hardship. The system
7 may allow discounted interest rates for short-term loans. The
8 following factors shall be considered when making a determination
9 of serious financial hardship: Income level of residents; amount
10 of debt and debt service requirements; and level of user fees both
11 in absolute terms and relative to income of residents;

12 (5) The power to create an administrative fee to be
13 assessed on a loan for the purpose of administering the Wastewater
14 Treatment Facilities Construction Assistance Act. Such fee shall
15 be based on the availability of federal funding for such purpose
16 and the projected administrative needs for carrying out the
17 purposes of the act;

18 (6) The power to determine the maximum amount of any one
19 loan or combination of loans for any single municipality or any
20 single county; and

21 (7) Except as limited by section 81-15,151, the power to
22 obligate the Wastewater Treatment Facilities Construction Loan Fund
23 and the assets thereof, in whole or in part, to repay with interest
24 loans to or deposits into the fund, including bonds, the proceeds
25 of which are deposited into the fund; and

26 (8) The power to adopt and promulgate rules and
27 regulations to govern the application procedure and requirements,
1 including any funding caps and cost-share requirements, for grants
2 pursuant to subdivision (10) of section 81-15,153.

3 Sec. 8. Section 81-15,153, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-15,153. The department shall have the following
6 powers and duties:

7 (1) The power to establish a program to make loans to
8 municipalities or to counties, individually or jointly, for
9 construction or modification of publicly owned wastewater treatment
10 works in accordance with the Wastewater Treatment Facilities
11 Construction Assistance Act and the rules and regulations of the

12 council adopted and promulgated pursuant to such act;
13 (2) The power to establish a program to make loans to
14 municipalities or to counties for construction, rehabilitation,
15 operation, or maintenance of nonpoint source control systems in
16 accordance with the Wastewater Treatment Facilities Construction
17 Assistance Act and the rules and regulations of the council adopted
18 and promulgated pursuant to such act. The department shall propose
19 such rules and regulations to the council no later than July 1,
20 1997;

21 (3) The power, if so authorized by the council pursuant
22 to section 81-15,152, to execute and deliver documents obligating
23 the Wastewater Treatment Facilities Construction Loan Fund and the
24 assets thereof to the extent permitted by section 81-15,151 to
25 repay, with interest, loans to or deposits into the fund and to
26 execute and deliver documents pledging to the extent permitted by
27 section 81-15,151 all or part of the fund and its assets to secure,
1 directly or indirectly, the loans or deposits;

2 (4) The duty to prepare an annual report for the Governor
3 and the Legislature containing information which shows the
4 financial status of the program;

5 (5) The duty to establish fiscal controls and accounting
6 procedures sufficient to assure proper accounting during
7 appropriate accounting periods, including the following:

8 (a) Accounting from the Nebraska Investment Finance
9 Authority for the costs associated with the issuance of bonds
10 pursuant to the act;

11 (b) Accounting for payments or deposits received by the
12 fund;

13 (c) Accounting for disbursements made by the fund; and
14 (d) Balancing the fund at the beginning and end of the
15 accounting period;

16 (6) The duty to establish financial capability
17 requirements that assure sufficient revenue to operate and maintain
18 a facility for its useful life and to repay the loan for such
19 facility;

20 (7) The power to determine the rate of interest to be
21 charged on a loan in accordance with the rules and regulations
22 adopted and promulgated by the council;

23 (8) The power to enter into required agreements with the
24 United States Environmental Protection Agency pursuant to the Clean
25 Water Act;

26 (9) The power to make ~~state allocations~~ grants concurrent
27 with loans to municipalities with populations of eight hundred
1 inhabitants or less which demonstrate serious financial hardships.
2 The annual obligation to the state shall not exceed ~~three~~ five
3 hundred thousand dollars. The department may authorize grants for
4 up to one-half of the eligible project cost. Such state
5 allocations shall contain a provision that payment of the amount
6 allocated is conditional upon the availability of appropriated

7 funds. All funds appropriated shall be administered on a cash-flow
 8 basis utilizing General Funds shall be appropriated to Agency No.
 9 84 -- Department of Environmental Quality, Program No. 523 --
 10 Wastewater Facilities Construction Assistance Program, to meet
 11 payment requirements as they occur; - The department shall submit
 12 to the Governor and the Clerk of the Legislature a semiannual
 13 report on January 1 and July 1 of each year containing information
 14 which shows the financial status of the program, including a
 15 statement of the fund balance, an itemized list of all conditional
 16 grants made to municipalities, including actual and estimated
 17 amounts and the time of payouts, the necessary appropriations
 18 required to meet those grants, and any other information which will
 19 reflect the progress and financial status of the program. Each
 20 member of the Legislature shall receive a copy of the report
 21 required by this subdivision by making a request for it to the
 22 department; and

23 (10) The power to authorize emergency grants to
 24 municipalities with wastewater treatment facilities which have been
 25 damaged or destroyed by natural disaster or other unanticipated
 26 actions or circumstances. Such grants shall not be used for
 27 routine repair or maintenance of facilities; and

- 1 (11) Such other powers as may be necessary and
 2 appropriate for the exercise of the duties created under the
 3 Wastewater Treatment Facilities Construction Assistance Act.
 4 Sec. 9. Original sections 81-1532, 81-15,152, and
 5 81-15,153, Reissue Revised Statutes of Nebraska, are repealed.
 6 Sec. 10. The following section is outright repealed:
 7 Section 81-1533, Reissue Revised Statutes of Nebraska."
 8 2. Insert underscoring in sections 1 to 5.

Senators Wickersham, Coordsen, Raikes, Hartnett, Redfield, and Bohlke
 filed the following amendment to LB 1138:
 AM3212

(Amendments to Standing Committee amendments, AM2464)

- 1 1. Strike amendment 3 and insert the following new
 2 amendments:
 3 "3. On page 8, line 25, strike 'thirty million' and
 4 insert 'twenty-nine million five hundred thousand'; in line 26
 5 strike 'sixteen million' and insert 'fifteen million one hundred
 6 thousand'; and in line 27 strike 'four million six' and insert 'two
 7 million three'.
 8 4. On page 13, line 26, after the period insert 'For
 9 fiscal year 2000-01, the Department of Revenue shall distribute
 10 funds under the formula provided in subsection (3) of this section.
 11 For fiscal year 2001-02 and all fiscal years thereafter, the
 12 department shall distribute funds under the formulas provided in
 13 subsections (3) and (4) of this section.'
 14 5. On page 14, line 20, after the comma insert
 15 'beginning in fiscal year 2001-02'; and in line 25 strike

- 16 'seventy-nine hundredths' and insert 'one and seven-tenths'.
 17 6. On page 15, strike lines 14 through 16 and insert
 18 'calculated by the department from resident individual income tax
 19 information for the tax year that is two years prior to the
 20 beginning of the fiscal year in which the aid will be distributed.
 21 The department shall determine the federal adjusted gross income
 22 per exemption for each resident individual return for each county
 23 and for the state. The number of individuals in poverty for each
 1 county shall be the total number of exemptions on returns for each
 2 county for which the federal adjusted gross income per exemption is
 3 fifty percent or less of the state average federal gross income per
 4 exemption.'; and strike the new language in lines 25 through 28 and
 5 insert 'For fiscal year 2000-01, any remaining funds shall be
 6 distributed as provided in subsections (2) and (3) of this section.
 7 For fiscal year 2001-02 and all fiscal years thereafter, any
 8 remaining funds shall be distributed based on the ratio of the
 9 population of the county to the total population of all counties in
 10 the state.'
 11 7. On page 16, reinstate the stricken matter in lines 1
 12 and 3 through 16; after line 1 insert 'dividing the remaining funds
 13 plus three million five hundred thousand dollars on the basis of
 14 the ratio of the'; and in line 17 strike the new matter and
 15 reinstate the stricken matter."
 16 2. Renumber the remaining amendments accordingly.

Senator Schrock filed the following amendment to LB 1234:
 AM3196

(Amendments to E & R amendments, AM7251)

- 1 1. Insert the following new sections:
 2 "Sec. 6. Section 57-501, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 57-501. As used in sections 57-501 to 57-507 unless the
 5 context otherwise requires:
 6 (1) Person ~~shall mean and include~~ means and includes any
 7 person, persons, firm, or corporation;
 8 (2) Owner ~~shall mean and include~~ means and includes (a)
 9 any person who holds a written bill of sale or other instrument
 10 under which title to the container was transferred to such person,
 11 (b) any person who holds a paid or receipted invoice showing
 12 purchase and payment of such container, (c) any person whose name,
 13 initials, mark, or other identifying device has been plainly and
 14 legibly stamped or otherwise shown upon the surface of such
 15 container for a period of not less than one year prior to the final
 16 enactment and approval of sections 57-501 to 57-507, or (d) any
 17 manufacturer of a container who has not sold or transferred
 18 ownership thereof by written bill of sale or otherwise;
 19 (3) Liquefied petroleum gas ~~shall mean and include~~ means
 20 and includes any material which is composed predominantly of
 21 hydrocarbons or mixtures of the same, such as propane, propylene,

22 butanes (normal butane and isobutane), and butylenes; and

23 (4) Container means any vessel, including a cylinder or

1 tank, used for storing of liquefied petroleum gas; and

2 (5) Cylinder means a container constructed in accordance

3 with the United States Department of Transportation specifications

4 in 49 C.F.R. Cylinder shall mean a container used for liquefied

5 petroleum gas constructed in accordance with Interstate Commerce

6 Commission specifications and the capacity of which is not more

7 than thirty water gallons or one hundred pounds of liquefied

8 petroleum gas.

9 Sec. 7. Section 57-502, Reissue Revised Statutes of

10 Nebraska, is amended to read:

11 57-502. No cylinder shall be filled or refilled with

12 liquefied petroleum gas, or any other gas or compound, nor shall

13 such a cylinder be bought, sold, offered for sale, given, taken,

14 loaned, delivered, or permitted to be delivered or otherwise used,

15 or trafficked in, unless such cylinder shall have been subjected to

16 a test by interior hydrostatic pressure in a waterjacket or other

17 apparatus of suitable form approved by the Bureau of Explosives of

18 the Interstate Commerce Commission within ten years from the date

19 of its manufacture or within ten years after having been subjected

20 to such test; PROVIDED, that without regard to the date of previous

21 test, cylinders that show bad dents or other evidence of rough

22 usage, or that are corroded locally to such extent as to indicate

23 possible weakness, or that have lost as much as five percent of

24 their official tare weight, must be retested before being again

25 charged and shipped. After any retest, the actual tare weight for

26 those cylinders passing the test may be recorded as their official

27 tare weight meets the requirements of the regulations of the United

1 States Department of Transportation as they exist on the effective

2 date of this act.

3 Sec. 8. Section 57-503, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 57-503. While in transit, in storage, and while being

6 moved into final utilization, all cylinders containing liquefied

7 petroleum gas must have their valves protected as required by the

8 regulations of the United States Department of Transportation on

9 the effective date of this act. by metal caps or a metal

10 protection shield securely attached to the cylinder and of

11 sufficient strength to protect the valves from injury.

12 Sec. 9. Section 57-504, Reissue Revised Statutes of

13 Nebraska, is amended to read:

14 57-504. No person, except the owner thereof or persons

15 authorized in writing by said the owner so to do, shall fill or

16 refill with liquefied petroleum gas, or any other gas or compound,

17 a liquefied petroleum gas container; or buy, sell, offer for sale,

18 give, take, loan, deliver, or permit to be delivered, or otherwise

19 use, dispose of, or traffic in a liquefied petroleum gas container

20 or containers if such container shall bear bears upon the surface

21 thereof in plainly legible characters the name, initials, mark, or
22 other device of ~~said the~~ owner; nor shall any person, other than
23 the owner of a ~~liquefied petroleum gas~~ container or a person
24 authorized in writing by ~~said the~~ owner, ~~so to do~~, deface, erase,
25 obliterate, cover up, or otherwise remove or conceal any such name,
26 mark, initial, or device thereon. The ; ~~PROVIDED~~; the person using
27 any such eylinder container may purchase the same at his or her
1 option from the owner at a fair and reasonable market value, and
2 after such purchase may purchase liquefied petroleum gas upon the
3 open market.

4 Sec. 10. Section 57-505, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 57-505. The use of a liquefied petroleum gas eylinder,
7 as defined in subdivision (4) of section 57-501, container by any
8 person other than the person whose name, mark, initial, or device
9 ~~shall be or shall have~~ is or has been upon such liquefied petroleum
10 gas eylinder container, without written consent or purchase of such
11 marked and distinguished liquefied petroleum gas eylinder
12 container, for the sale of liquefied petroleum gas or filling or
13 refilling with liquefied petroleum gas, or the possession of such
14 liquefied petroleum gas eylinders container by any person other
15 than the person having his or her name, mark, initial, or other
16 device thereon, without the consent of such owner, ~~shall and is~~
17 hereby declared to be is presumptive evidence of the unlawful use,
18 filling or refilling, or trafficking in of such liquefied petroleum
19 gas eylinders container.

20 Sec. 11. Section 57-506, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 57-506. Whenever any person; ~~or the president,~~
23 ~~secretary, treasurer, or other officer of any corporation mentioned~~
24 ~~in section 57-501, or a duly authorized agent who has personal~~
25 ~~knowledge of the facts, shall make~~ makes an oath in writing before
26 any judge of the county court; that the party ~~so making such the~~
27 affidavit has reason to believe and does believe that any liquefied
1 petroleum gas eylinders, as defined by subdivision (4) of section
2 ~~57-501, a container which is~~ marked with the name, initials, mark,
3 or other device of ~~such owners, are~~ the owner is in the possession
4 of or being used by or being filled or refilled by ~~any a~~ person
5 whose name, initials, mark, or other device does not appear on ~~such~~
6 ~~eylinders, the container~~ and who is in the possession of, filling
7 or refilling, or using ~~any such eylinders the container~~ without the
8 consent of the owner, ~~of such name, initials, or trademark~~, the
9 judge may, when satisfied that there is reasonable cause, issue a
10 search warrant and cause the premises designated to be searched for
11 the purpose of discovering and obtaining the same container. The
12 judge may also cause the person who possesses the container to be
13 brought before the judge and him or her ~~the person in whose~~
14 ~~possession such eylinders may be found and shall then inquire into~~
15 the circumstances of such possession. If ~~such the~~ judge finds that

16 such person ~~has been~~ is guilty of a violation of sections 57-501 to 17 57-507, ~~he or she~~ the judge shall sentence as provided in section 18 57-507 and shall also award the possession of ~~property~~ the 19 container, including the contents, ~~of the cylinders~~, taken upon 20 such search warrant, to the owner thereof.

21 Sec. 12. Original sections 57-501 to 57-506, Reissue

22 Revised Statutes of Nebraska, are repealed."

23 2. Insert underscoring in the original sections.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1138A. 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 1138, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

MOTIONS - Override Line-Item Vetoes on LB 1217

Senators Crosby and Beutler moved to override the Governor's line-item vetoes contained in Section 29 of LB 1217 (Aid to libraries).

Senators Crosby and Beutler withdrew their motion to override.

Senators Crosby and Beutler moved to override the Governor's line-item vetoes contained in Section 48 of LB 1217 (improvements to Centennial Mall).

Senators Crosby and Beutler withdrew their motion to override.

Senators Crosby and Beutler moved to override the Governor's line-item veto contained in Section 37 of LB 1217 (Sheldon Memorial Art Gallery).

Senators Crosby and Beutler withdrew their motion to override.

Senator Jensen moved to override the Governor's line-item vetoes contained in Sections 19, 21, 22, and 23 of LB 1217, relating to mental health provider rates.

Senator Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Jensen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Suttle requested a roll call vote, in reverse order, on the Jensen motion to override.

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

Voting in the affirmative, 43:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bromm	Brown	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Bruning Tyson

Present and not voting, 3:

Baker Dickey Dierks

Excused and not voting, 1:

Smith

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senators Landis and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Jensen moved to override the Governor's line-item vetoes contained in Section 24 of LB 1217, relating to Region VI hospital reimbursement.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with

39 ayes, 0 nays, and 10 not voting.

Senator Suttle requested a roll call vote, in reverse order, on the Jensen motion to override.

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

Voting in the affirmative, 41:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Crosby	Cudaback	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 2:

Baker Tyson

Present and not voting, 3:

Dickey Dierks Schmitt

Excused and not voting, 3:

Coordsen Landis Smith

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senators Connealy, Robak, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Janssen moved to override the veto of \$400,000 for local Transit Authorities Aid to LB 1217, contained in Section 25, Program 305.

SENATOR CUDABACK PRESIDING

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brashear moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Janssen requested a roll call vote on his motion to override.

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

Voting in the affirmative, 18:

Beutler	Bourne	Brashear	Brown	Crosby
Hartnett	Hilgert	Hudkins	Janssen	Kiel
Landis	Lynch	Pedersen, Dw.	Preister	Price
Schimek	Suttle	Thompson		

Voting in the negative, 27:

Aguilar	Baker	Bohlke	Bromm	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Dickey	Dierks	Engel	Jensen	Jones
Kremer	Kristensen	Matzke	Quandahl	Raikes
Redfield	Schmitt	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Present and not voting, 1:

Schrock

Excused and not voting, 3:

Pederson, D. Robak Smith

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

The Chair declared the call raised.

Senator Schrock moved to override the Governor's veto of Section 39 of LB 1217, (Natural Resources Enhancement Fund) Program Number 309.

Senator Schrock withdrew his motion to override.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 833A. 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 833, Ninety-sixth Legislature, Second Session, 2000.

LEGISLATIVE BILL 495A. Introduced by Stuhr, 24; Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 495, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 491. Introduced by Crosby, 29.

WHEREAS, Cliff Hillegass is a native Nebraskan, born in Rising City, Nebraska, on April 18, 1918; and

WHEREAS, Cliff Hillegass worked his way through high school as a magazine salesman, graduated from Midland College, and is recognized a one of its most successful graduates; and

WHEREAS, Cliff's love for books and learning helped establish him as one of America's best known "book men"; and

WHEREAS, Cliff established a nationwide market for the Nebraska Bookstore, with a creative approach to buying and selling used textbooks to match the requirements of course needs in other locations which required a total knowledge of markets and selling skills; and

WHEREAS, Cliff's reputation among book sellers nationwide became a tremendous asset when "Cliff's Notes" was introduced in 1958. "Cliff's Notes" went on to become the Free World's number one study aid; and

WHEREAS, Cliff's unparalleled success with "Cliff's Notes" offered him the opportunity to aid and assist many worthwhile ventures and projects in Nebraska in the areas of education, sports, and the arts, including the Museum of Nebraska Art; and

WHEREAS, Cliff's interest and support of professional artists as well as amateurs is legendary; and

WHEREAS, Cliff Hillegass is revered by his employees and friends for his kindness, his thoughtfulness, his generosity, and his compassion.

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

1. That the Legislature commends Cliff Hillegass for the extraordinary and generous support he has given to education, sports, and the arts in Nebraska.

Laid over.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 1167:
AM3249

1. Insert the following section:

2 "Sec. 18. Section 43-265, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-265. If the person so summoned under section 43-263
5 is other than a parent or guardian of the juvenile, then the parent
6 or guardian or both, if their residence is known, shall also be
7 notified of the pendency of the case and of the time and place
8 appointed; if there is neither a parent nor guardian, or if his or
9 her residence is not known, then some relative, if there be one and
10 his or her residence is known, shall be notified, except that in
11 any case the court may appoint ~~some suitable person~~ a guardian ad
12 litem to act in behalf of the juvenile.

13 Sec. 19. Section 43-272, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-272. (1) When any juvenile shall be brought without
16 counsel before a juvenile court, the court shall advise such
17 juvenile and his or her parent or guardian of their right to retain
18 counsel and shall inquire of such juvenile and his or her parent or
19 guardian as to whether they desire to retain counsel. The court
20 shall inform such juvenile and his or her parent or guardian of
21 such juvenile's right to counsel at county expense if none of them
22 is able to afford counsel. If the juvenile or his or her parent or
23 guardian desires to have counsel appointed for such juvenile, or
24 the parent or guardian of such juvenile cannot be located, and the
1 court ascertains that none of such persons are able to afford an
2 attorney, the court shall forthwith appoint an attorney to
3 represent such juvenile for all proceedings before the juvenile
4 court, except that if an attorney is appointed to represent such
5 juvenile and the court later determines that a parent of such
6 juvenile is able to afford an attorney, the court shall order such
7 parent or juvenile to pay for services of the attorney to be
8 collected in the same manner as provided by section 43-290. If the
9 parent willfully refuses to pay any such sum, the court may commit
10 him or her for contempt, and execution may issue at the request of
11 the appointed attorney or the county attorney or by the court
12 without a request.

13 (2) The court, on its own motion or upon application of a
14 party to the proceedings, shall appoint a guardian ad litem for the
15 juvenile: (a) If the juvenile has no parent or guardian of his or
16 her person or if the parent or guardian of the juvenile cannot be
17 located or cannot be brought before the court; (b) if the parent or
18 guardian of the juvenile is excused from participation in all or
19 any part of the proceedings; (c) if the parent is a juvenile or an
20 incompetent; (d) if the parent is indifferent to the interests of
21 the juvenile; or (e) in any proceeding pursuant to the provisions
22 of subdivision (3)(a) of section 43-247.

23 A guardian ad litem shall have the duty to protect the
24 interests of the juvenile for whom he or she has been appointed
25 guardian, and shall be deemed a parent of the juvenile as to those
26 proceedings with respect to which his or her guardianship extends.

27 (3) Except in cases when there are special reasons why a
 1 particular layperson would be the most appropriate guardian ad
 2 litem for the juvenile, the ~~The~~ court shall appoint an attorney as
 3 guardian ad litem. A guardian ad litem ~~who is an attorney~~ shall
 4 act as his or her own counsel and as counsel for the juvenile,
 5 unless there are special reasons in a particular case why the
 6 guardian ad litem or the juvenile or both should have separate
 7 counsel, ~~in addition to the guardian ad litem~~. In such cases and
 8 in cases when the guardian ad litem appointed by the court is not
 9 an attorney, the guardian ad litem shall have the right to counsel,
 10 except that the guardian ad litem shall be entitled to appointed
 11 counsel without regard to his or her financial ability to retain
 12 counsel. Whether such appointed counsel shall be provided at the
 13 cost of the county shall be determined as provided in subsection
 14 (1) of this section."

15 2. Amend the operative date and repealer provisions so
 16 that the sections added by this amendment become operative on their
 17 effective date with the emergency clause.

18 3. Renumber the remaining sections and correct internal
 19 references accordingly.

UNANIMOUS CONSENT - Members Excused

Senators Connealy and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 628.

A BILL FOR AN ACT relating to records; to amend sections 84-712, 84-712.01, 84-712.03, and 86-1701, Reissue Revised Statutes of Nebraska; to provide requirements for the provision of copies of public records; to change provisions relating to public records and digital signatures; to provide for electronic signatures; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen

Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Matzke Robak

Excused and not voting, 4:

Chambers Connealy Pederson, D. Smith

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 953 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 953. With Emergency.

A BILL FOR AN ACT relating to employment security law; to amend sections 48-606.01, 48-617, 48-618, 48-619, 48-628, 48-628.03, 48-652, 48-655, 81-1201.21, and 85-1540, Reissue Revised Statutes of Nebraska, and sections 48-604 and 48-621, Revised Statutes Supplement, 1999; to redefine a term; to change voluntary leave and experience account provisions; 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, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Stuhr	Suttle

Thompson Tyson Vrtiska Wehrbein Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Connealy Pederson, D. 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.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 968 with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 968. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 10-126, 13-502, 18-2601 to 18-2603, 18-2606 to 18-2608, 23-355.01, 57-239, 60-106, 76-214, 77-115, 77-609, 77-1210, 77-1331, 77-1332, 77-1343, 77-1346 to 77-1348, 77-1371, 77-1704, 77-1705, 77-1721, 77-1738, 77-1739, 77-1801, 77-1862, 77-4105, 79-1081, 79-1082, 84-304, and 84-1411, Reissue Revised Statutes of Nebraska, sections 30-2467, 30-2469, 77-112, 77-202.02, 77-202.04, 77-202.05, 77-3,119, 77-623, 77-801, 77-801.01, 77-802.01, 77-802.02, 77-1229, 77-1249, 77-1344, 77-1345, 77-1381, 77-1716, 77-1717, 77-1718, 77-5009, and 77-5023, Revised Statutes Supplement, 1998, sections 13-501, 13-503, 13-504, 23-3202, 35-1303, 51-805, 77-101, 77-202.01, 77-202.03, 77-202.11, 77-202.12, 77-421, 77-684, 77-1233.04, 77-1504.01, 77-1514, 77-1701, 77-27,139.03, 77-5016, 77-5019, 79-1016, and 79-1072.04, Revised Statutes Supplement, 1999, section 77-1361, Revised Statutes Supplement, 1998, as amended by section 2, Legislative Bill 419, Ninety-sixth Legislature, Second Session, 2000, and Laws 1999, LB 271, section 10; to change provisions relating to political subdivision bonds and budgets, county assessors, estate filings, real estate transfer statements, tax levies, tax valuation, tax assessment, tax exemptions, payment and collection of taxes, state aid to municipalities, joint public agencies, the Tax Equalization and Review Commission, school finance, and duties of the Auditor of Public Accounts; to transfer certain duties to the Property Tax Administrator; to change the operative date of changes made by Laws 1999, LB 271; to eliminate definitions and budget and tax appraisal and collection provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 13-515, 77-110, 77-210, 77-1213, and 77-1333, Reissue Revised Statutes of Nebraska, and section 77-398, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Bruning	Byars	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 4:

Chambers Connealy Pederson, D. 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.

COMMUNICATION

April 3, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB 1217 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk

Enc.

CERTIFICATE

Legislative Bill 1217, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1. The following sections for Mental Health provider rates:
 - a. Section 19, program 34 Alcohol/Drug Addiction Aid
 - b. Section 21, program 347 Public Assistance
 - c. Section 22, program 348 Medical Assistance
 - d. Section 23, program 366 Community Mental Health--Aid
2. Section 24, for Region VI Hospital reimbursement, MH services.

(Signed) David Maurstad
President of the Legislature

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 968A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 968, Ninety-sixth Legislature, Second Session, 2000; and to reduce appropriations.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Bruning	Byars	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Stuhr	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 3:

Brown	Crosby	Suttle
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Excused and not voting, 4:

Chambers Connealy Pederson, D. Smith

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 1253 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 1253.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4202 to 44-4217, 44-4219 to 44-4222, 44-4224 to 44-4228, 44-4230, 44-5223, 44-5225, 44-5246.02, 44-6901, 44-6915, 44-6918, and 77-918, Reissue Revised Statutes of Nebraska, and sections 44-4233 and 77-912, Revised Statutes Supplement, 1999; to provide requirements for coverage of hospitalization and general anesthesia for dental care; to change provisions relating to the Comprehensive Health Insurance Pool; to create a fund; to change funding provisions relating to the pool; to define and redefine terms relating to the Small Employer Health Insurance Availability Act and health benefit plans; to require coverage for adopted children; to harmonize provisions; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Connealy Pederson, D. Smith

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 1285 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 1285. With Emergency.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-122.01, 75-134, 75-136, 75-136.01, 75-137, 75-139.01, 75-156, 75-606, 75-610, 75-722, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1405, and 86-1909, Reissue Revised Statutes of Nebraska, and sections 75-109 and 75-609, Revised Statutes Supplement, 1999; to change provisions relating to commission orders and jurisdiction; to change certain stay and appeal provisions; to change, authorize, and limit certain administrative fines; to eliminate certain penalties and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 75-145, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Connealy	Smith
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A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1352. With Emergency.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1708, Revised Statutes Supplement, 1998; to create a task force; to provide powers and duties; to provide a termination date; to harmonize provisions; to eliminate provisions relating to trusts; to repeal the original section; to outright repeal section 68-1047, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Connealy 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 628, 953, 968, 968A, 1253, 1285, and 1352.

SELECT FILE

LEGISLATIVE BILL 936. E & R amendment, AM7247, printed separately and referred to on page 1349, was adopted.

Senator Baker withdrew his amendment, AM3031, found on page 1258.

Senator Baker offered the following amendment:

AM3250

(Amendments to E & R amendments, AM7247)

1 1. On page 8, line 24, after "(iii)" insert "(A) for a
2 county or counties with a labor force greater than three
3 thousand,"; and in line 27 after "number" insert "or (B) for a
4 county or counties with a labor force of three thousand or less,
5 the investment in qualified property of at least fifty thousand
6 dollars times one-half of one percent of the labor force in the
7 county or counties in which the project will be located rounded to
8 the nearest whole number".

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baker 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 936A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 812. E & R amendment, AM7249, found on page 1411, was adopted.

Senator Beutler offered the following amendment:

FA364

Amend AM7249

Strike Section 2

Pending.

EASE

The Legislature was at ease from 5:42 p.m. until 6:14 p.m.

SELECT FILE

LEGISLATIVE BILL 812. Senator Beutler withdrew his amendment, FA364, found in this day's Journal.

Senator Bohlke moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senators Bohlke, Beutler, and Stuhr offered the following amendment:

AM3259

(Amendments to E & R amendments, AM7249)

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:
3 "Section 1. Section 79-757, Revised Statutes Supplement,
4 1998, is amended to read:
5 79-757. Sections 79-757 to 79-762 and sections 2 and 3
6 of this act shall be known and may be cited as the Quality
7 Education Accountability Act.
8 Sec. 2. The State Board of Education shall adopt
9 measurable model academic content standards for at least three
10 grade levels no later than July 1, 2001. The standards for each
11 subject area shall be adopted prior to the implementation of the
12 assessment and reporting system under section 79-760 for that
13 subject area, beginning with writing and reading. The standards
14 shall cover the subject areas of reading, writing, mathematics,
15 science, social studies, and history. The standards adopted shall
16 be sufficiently clear and measurable to be used for testing student
17 performance with respect to mastery of the content described in the
18 state standards.
19 Sec. 3. In accordance with timelines that are adopted by
20 the State Board of Education, but in no event later than July 1,
21 2003, each school district shall adopt measurable quality academic
22 content standards in the subject areas of reading, writing,
23 mathematics, science, social studies, and history. The standards
24 may be the same as, or may be equal to or exceed in rigor, the
25 measurable model academic content standards adopted by the state
26 board and shall cover at least the same grade levels. The State
27 Department of Education shall adopt and promulgate appropriate
28 rules and regulations to insure the rigor of the measurable quality
29 academic content standards.
30 Sec. 4. Section 79-760, Revised Statutes Supplement,
31 1998, is amended to read:
32 79-760. (1) The State Board of Education shall implement
33 a statewide system for the assessment of student learning and for
34 reporting the performance of school districts. The assessment and
35 reporting system shall test student knowledge of subject matter
36 materials covered by the measurable model academic content
37 standards approved by the state board. The state board shall adopt
38 an assessment and reporting plan and begin implementation of the
39 assessment and reporting system in the 2000-01 school year
40 beginning with the assessment of reading and writing. The state
41 board shall prescribe statewide assessments of writing that rely on
42 writing samples beginning in the spring of 2001 with students in
43 each of three grades selected by the state board. For each
44 academic year thereafter, one of the three selected grades shall
45 participate in the statewide writing assessment. The state board
46 shall develop an assessment system and prescribe statewide
47 assessments for the subject areas of reading, mathematics, science,
48 social studies, and history. The assessment and reporting system
49 for each subject area, except writing, shall be based on locally

27 developed assessments the first year. Following the first
1 assessment in each subject area, except writing, the State
2 Department of Education shall contract with independent, recognized
3 assessment experts to review and rate locally developed
4 assessments. The department shall identify the criteria for rating
5 the model assessments. The assessment experts shall identify not
6 more than five model assessments receiving the highest ratings.
7 Districts shall thereafter adopt one of the five model assessments
8 and may, in addition, adapt their locally developed assessments.
9 The aggregate results of any assessments required by the state
10 board pursuant to this section shall be reported by the district on
11 a building basis to the public in that district and to the
12 department. The department shall report the aggregate results of
13 any assessments required by the state board pursuant to this
14 section on a district or building basis as part of the statewide
15 assessment and reporting system, assessment program for students
16 in a selected grade in each of the grade ranges four through six,
17 seven through nine, and ten through twelve each fall semester
18 beginning with the fall semester of 2000. The assessment program
19 shall consist of one assessment purchased from an assessment
20 service for each selected grade which tests students in the areas
21 of mathematics, reading, science, and social studies, plus one
22 writing assessment, either developed within the state by educators
23 with expertise in writing assessment or purchased as a part of the
24 assessment for the other specified subjects.
25 (2) The purposes of the assessment program and reporting
26 system are to:
27 (a) Determine how well public schools are performing in
1 terms of achievement of public school students related to the model
2 state academic content standards;
3 (b) Report the performance of public schools based upon
4 the results of the assessment;
5 (c) Provide information for the public and policymakers
6 on the performance of public schools; and
7 (d) Provide for the comparison of Nebraska public schools
8 to their peers and to school systems of other states and other
9 countries.
10 (3) The assessment and reporting plan shall include all
11 public schools and all public school students. The state board
12 shall adopt criteria for the inclusion of students with
13 disabilities, students entering the school for the first time, and
14 students with limited English proficiency.
15 (4) The assessment and reporting plan shall provide for
16 the confidentiality of the individual students.
17 (5) The state board shall adopt and promulgate rules and
18 regulations to carry out this section. Evaluate whether or not
19 students in a school system have acquired skills and knowledge
20 which allow them to meet or exceed academic standards established
21 by the state board;

- 22 (b) Measure progress of students in a school system
 23 toward meeting academic standards established by the state board;
 24 (c) Provide information for analysis of adopted standards
 25 and consideration of new standards;
 26 (d) Allow comparisons to be made between the academic
 27 achievement of students in a local system and students in another
 1 Nebraska local system; and
 2 (e) Allow comparisons to be made between the academic
 3 achievement of Nebraska students with the academic achievement of
 4 students in other states.
- 5 (3) All public school districts shall participate in the
 6 assessment, and all students enrolled in the designated grade
 7 levels in such districts shall be assessed except as provided in
 8 this subsection. The state board shall establish criteria that
 9 schools may use to exempt special education students from
 10 assessment in any or all subject areas. The state board may also
 11 adopt alternative assessments or means of scoring for special
 12 education students and students with limited English proficiency.
- 13 (4) The individual assessment scores shall be
 14 confidential; shall be reported to the school district for
 15 educational purposes; and shall not be reported to the State
 16 Department of Education. Aggregate results for each school
 17 district shall be reported to the department by the assessment
 18 service and writing assessment scorers. School districts may also
 19 make aggregate data available based on attendance centers.
- 20 (5) The department shall be responsible for the cost of
 21 the assessment materials and scoring.
- 22 Sec. 5. Original sections 79-757 and 79-760, Revised
 23 Statutes Supplement, 1998, are repealed."
- 24 2. On page 1, strike beginning with "section" in line 1
 25 through line 10 and insert "sections 79-757 and 79-760, Revised
 26 Statutes Supplement, 1998; to provide for academic content
 27 standards and assessment and reporting of student learning; to
 1 provide duties; to harmonize provisions; and to repeal the original
 2 sections."

The Chair declared the call raised.

Senators Dickey and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler offered the following amendment to the Bohlke et al. pending amendment:

FA367

Amend AM3259

On page 3, line 6 change "five" to "four"

On page 3, line 7 change "five" to "four"

Senator Janssen asked unanimous consent to be excused until he returns. No

objections. So ordered.

Senators Hartnett and Lynch asked unanimous consent to be excused. No objections. So ordered.

Senator Bromm 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 was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1404A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, section 48; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1404, Ninety-sixth Legislature, Second Session, 2000; and to repeal the original section.

LEGISLATIVE BILL 819A. 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 819, Ninety-sixth Legislature, Second Session, 2000.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2000, at 5:25 p.m., were the following: LBs 628, 953e, 968e, 968A, 1253, 1285e, and 1352e.

(Signed) Diana Bridges
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 1410:
FA365

Amend AM7255

P. 1, line 6, strike "five" and insert "six"; in line 8, strike the period and insert, "and one of whom shall be an African American."

Senator Preister filed the following amendment to LB 1361:
AM3233

- 1 1. Insert the following new section:
2 "Section 1. Section 60-680, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 60-680. (1) Any local authority with respect to highways
5 under its jurisdiction and within the reasonable exercise of the
6 police power may:
7 (a) Regulate or prohibit stopping, standing, or parking;
8 (b) Regulate traffic by means of peace officers or
9 traffic control devices;
10 (c) Regulate or prohibit processions or assemblages on
11 the highways;
12 (d) Designate highways or roadways for use by traffic
13 moving in one direction;
14 (e) Establish speed limits for vehicles in public parks;
15 (f) Designate any highway as a through highway or
16 designate any intersection as a stop or yield intersection;
17 (g) Restrict the use of highways as authorized in section
18 60-681;
19 (h) Regulate operation of bicycles and require
20 registration and inspection of such, including requirement of a
21 registration fee;
22 (i) Regulate or prohibit the turning of vehicles or
23 specified types of vehicles;
24 (j) Alter or establish speed limits authorized in the
1 Nebraska Rules of the Road;
2 (k) Designate no-passing zones;
3 (l) Prohibit or regulate use of controlled-access
4 highways by any class or kind of traffic except those highways
5 which are a part of the state highway system;
6 (m) Prohibit or regulate use of heavily traveled highways
7 by any class or kind of traffic it finds to be incompatible with
8 the normal and safe movement of traffic, except that such
9 regulations shall not be effective on any highway which is part of
10 the state highway system unless authorized by the Department of
11 Roads;
12 (n) Establish minimum speed limits as authorized in the
13 rules;
14 (o) Designate hazardous railroad grade crossings as
15 authorized in the rules;
16 (p) Designate and regulate traffic on play streets;
17 (q) Prohibit pedestrians from crossing a roadway in a
18 business district or any designated highway except in a crosswalk
19 as authorized in the rules;
20 (r) Restrict pedestrian crossings at unmarked crosswalks
21 as authorized in the rules;
22 (s) Regulate persons propelling push carts;
23 (t) Regulate persons upon skates, coasters, sleds, and
24 other toy vehicles;
25 (u) Adopt and enforce an ordinance or resolution

- 26 prohibiting the use of engine brakes on the National System of
 27 Interstate and Defense Highways that has a grade of less than five
 1 degrees within its jurisdiction. For purposes of this subdivision,
 2 engine brake means a device that converts a power producing engine
 3 into a power-absorbing air compressor, resulting in a net energy
 4 loss;
 5 (v) Adopt and enforce such temporary or experimental
 6 regulations as may be necessary to cover emergencies or special
 7 conditions; and
 8 (w) (v) Adopt other traffic regulations except as
 9 prohibited by state law or contrary to state law.
 10 (2) No local authority, except an incorporated city with
 11 more than forty thousand inhabitants, shall erect or maintain any
 12 traffic control device at any location so as to require the traffic
 13 on any state highway or state-maintained freeway to stop before
 14 entering or crossing any intersecting highway unless approval in
 15 writing has first been obtained from the Department of Roads.
 16 (3) No ordinance or regulation enacted under subdivision
 17 (1)(d), (e), (f), (g), (i), (j), (k), (l), (m), (o), (p), or (r) of
 18 this section shall be effective until traffic control devices
 19 giving notice of such local traffic regulations are erected upon or
 20 at the entrances to such affected highway or part thereof affected
 21 as may be most appropriate."
 22 2. On page 10, line 12, after "Original" insert "section
 23 60-680, Reissue Revised Statutes of Nebraska, and".
 24 3. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 492. Introduced by Vrtiska, 1.

WHEREAS, Justin Weyer is a resident of Liberty, Nebraska, and will become a student at Wayne State College in the fall semester of 2000; and

WHEREAS, the Board of Trustees Scholarship is a four-year, full-tuition scholarship awarded on the basis of academic achievement; and

WHEREAS, Mr. Weyer is a recipient of one of the few Board of Trustees Scholarships to Wayne State College this year.

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

1. That the Legislature congratulates Justin Weyer on his receipt of this prestigious award, and commend him on his academic success.

Laid over.

LEGISLATIVE RESOLUTION 493. Introduced by Vrtiska, 1.

WHEREAS, Tiffany Georges, an esteemed resident of Shubert, and a student at Southeast Nebraska Consolidated, has achieved national recognition for exemplary volunteer service by receiving a 2000 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. Georges earned this award by giving generously of her time and energy to "Hugs and Kisses from the Heart", an organization which she created that gives teddy bears to sick, homeless, and grieving children; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society, depends, in great measure, upon the dedication of young people like Ms. Georges 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, SECOND SESSION:

1. That the Legislature congratulates and honors Ms. Georges as a recipient of a 2000 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.

Laid over.

SENATOR CUDABACK PRESIDING

SELECT FILE

LEGISLATIVE BILL 812. The Bohlke et al. pending amendment, AM3259, found in this day's Journal, as amended, was renewed.

The Bohlke et al. amendment, as amended, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 812A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1010. E & R amendment, AM7248, found on page 1414, was adopted.

Senator Kristensen offered the following amendment:
AM3231

(Amendments to Standing Committee amendments, AM2876)

- 1 1. On page 4, line 15, after the period insert "To the
- 2 extent that it is consistent with the board's fiduciary duty, the
- 3 board shall not accept any final bid for a tract of land that has
- 4 an expected long-term rate of return that is greater than the
- 5 expected long-term rate of return of the permanent school fund as
- 6 projected by the Nebraska Investment Council.".

Senators Byars, Bruning, Dierks, Preister, and Landis asked unanimous consent to be excused. No objections. So ordered.

Senator Bromm offered the following amendment to the Kristensen pending amendment:

FA368

Amend AM3231

Strike "not" in line 3 and "greater" in line 4, and substitute "less" for greater in line 4.

Senator Jones 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 Bromm amendment was adopted with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 494. Introduced by Bromm, 23.

WHEREAS, the federal decennial census is currently being conducted; and

WHEREAS, the Nebraska Legislature is charged with redistricting the boundary lines for congressional, legislative, supreme court, public service commission, board of regents, and state board of education districts in Nebraska following the decennial census in the Ninety-seventh Legislature, First Session; and

WHEREAS, the Nebraska Legislature desires to outline a fair and open redistricting process, encouraging the input of all members of the legislature; and

WHEREAS, the Nebraska Legislature seeks to encourage the input of the public in the redistricting process; and

WHEREAS, the Nebraska Legislature desires to set forth a plan for seeking to achieve the objectives stated in this resolution.

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

1. That the Legislature adopts the Nebraska Redistricting Resolution to establish the process that is intended to be followed in the redistricting process.

Section 1. This resolution shall be known and may be cited as the Nebraska Redistricting Resolution.

Sec. 2. For purposes of the Nebraska Redistricting Resolution, it is intended as follows:

- (1) Board means the Executive Board of the Legislative Council;
- (2) Director means the Director of Research of the Legislature or his or her designee;

(3) Other district means a legislative district, supreme court judicial district, public service commission district, board of regents district, or state board of education district;

(4) Redistricting process means the activities that relate to the redrawing of district boundaries for congressional districts and other districts undertaken in conjunction with the federal decennial census; and

(5) Task force means the redistricting advisory task force established pursuant to section 3 of this resolution.

Sec. 3. (1) There is hereby established a redistricting advisory task force. The task force shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of the year following the year in which the federal government takes the decennial census. Members of the task force shall be appointed by the board at any time after the board has been reconstituted in January of the year following the year in which the federal government takes the decennial census. No more than five of the members appointed to the task force shall be of the same political party. The task force shall continue throughout the redistricting process and shall be reconstituted pursuant to this section in the event of a successful legal challenge to any part of the redistricting process.

(2) The task force shall be responsible for overseeing the redistricting process under the Nebraska Redistricting Resolution. Funds shall be expended for the purchase or lease of equipment and materials to be used for the redistricting process only with the prior approval of the chairperson of the board.

(3) At the first meeting of the task force, the members shall select from among themselves by majority vote one member to serve as chairperson of the task force and one member to serve as vice-chairperson of the task force.

(4) The task force shall receive staff support from the director.

Sec. 4. (1) In the year following the year in which the federal government takes the decennial census, the task force shall (a) develop and adopt procedural and substantive guidelines to be used in conjunction with the redistricting process and (b) based upon the data received from the United States Bureau of the Census, compile statistics, redraw congressional district boundaries and other district boundaries, and prepare redistricting plans and maps reflecting the proposed new boundaries.

(2) The task force shall cause legislative bills to be introduced pertaining to the redistricting process during the first ten days of the legislative session. The plans shall be introduced as amendments to such bills pursuant to section 6 of this resolution.

(3) Nothing in the Nebraska Redistricting Resolution shall be construed to preclude a member of the Legislature from introducing a bill or an amendment pertaining to the redistricting process.

Sec. 5. (1) The director shall only provide such information regarding the plans as may be required by guidelines adopted by the task force to persons outside (a) his or her office and (b) the office of the Revisor of Statutes.

(2) A request to the director for the preparation of a redistricting plan by any member of the Legislature shall be confidential, and information related to such plan shall be released only by such member.

Sec. 6. (1) The task force shall prepare proposed plans for drawing

congressional and other district boundaries. As soon as possible in conjunction with such plans, the task force shall make the following available to the Legislature and to the public: (a) Copies of the amendments embodying the plans; (b) maps illustrating the plans; and (c) a statement that includes: (i) The ideal population of a congressional district and the other districts; (ii) the population of each congressional district and each other district created in the plans; and (iii) the percentage deviation from the ideal population of each proposed congressional district and each other district created in the plans.

(2) The task force shall then schedule and conduct at least one public hearing in each congressional district for the purposes of soliciting input on the proposed plans.

(3) Following the public hearings, the task force shall (a) cause to be made available transcripts of testimony received during the public hearings and (b) deliver its amendments embodying the plans to the legislative committee to which the bills were referred.

(4) The committee shall hold a public hearing on the amendments proposed by the task force.

Sec. 7. (1)(a) Boundaries of congressional districts and other districts shall be established on the basis of population and census geography.

(b) Congressional districts and other districts shall have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the most recent federal decennial census.

(c) The population of congressional districts and other districts shall not vary from the relevant ideal district populations except as allowed by subdivisions (d) and (e) of this subsection.

(d) No congressional district shall have a population which causes a plan to have a relative deviation in excess of plus or minus one-half percent, based on the ideal district population.

(e) No other district shall have a population which causes a plan to have a relative deviation in excess of the guidelines established by the task force.

(2) County lines shall be followed whenever practicable for boundaries of congressional districts and other districts. To the greatest extent possible, consistent with subsection (1) of this section, the boundaries shall coincide with the boundaries of cities and villages of the state.

(3) The number of counties, cities, and villages divided among more than one congressional district or other district shall be as small as possible. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, using visible, recognizable physical features which meet the requirements of the United States Bureau of the Census.

(4) Congressional districts and other districts shall be composed of contiguous and compact territory. Areas which meet only at the points of adjoining corners shall not be deemed contiguous.

(5) No congressional district or other district shall be drawn for the purpose of favoring a political party, an incumbent legislator or member of Congress, or any other person or group or which results in the unlawful dilution of the voting strength of a language or racial minority group.

(6) In establishing congressional districts and other districts, the following data shall not be used:

- (a) Addresses of incumbents;
- (b) Political affiliations of registered voters; and
- (c) Demographic information, other than population head counts, and previous election results, except as required by the laws and Constitution of the United States.

Laid over.

AMENDMENTS - Print in Journal

Senators D. Pederson and Schrock filed the following amendment to LB 1003:
AM3252

(Amendments to E & R amendments, AM7252)

- 1 1. On page 2, lines 22 and 23; and page 3, lines 1 and
- 2 2, strike "481 of the federal Higher Education Act of 1965, 20
- 3 U.S.C. 1088," and insert "529 of the Internal Revenue Code".
- 4 2. On page 7, line 14, strike "seventeenth" and insert
- 5 "eighteenth"; and in line 18 strike "twenty-second" and insert
- 6 "thirtieth".
- 7 3. On page 8, line 20, after the period insert "The
- 8 State Treasurer and Accounting Administrator of the Department of
- 9 Administrative Services shall determine the state fund types
- 10 necessary to comply with section 529 of the Internal Revenue Code
- 11 and state policy.".
- 12 4. On page 19, line 23, strike "two thousand dollars per
- 13 beneficiary" and insert "five hundred dollars per married filing
- 14 separate return or one thousand dollars for any other return.".

Senator Raikes filed the following amendment to LB 1330:
AM3127

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-3446, Revised Statutes
- 3 Supplement, 1998, is amended to read:
- 4 77-3446. Base limitation means the budget limitation
- 5 rate applicable to school districts and the limitation on growth of
- 6 restricted funds applicable to other political subdivisions prior
- 7 to any increases in the rate as a result of special actions taken
- 8 by a supermajority of any governing board or of any exception
- 9 allowed by law. The base limitation is two and one-half percent
- 10 until adjusted. The base limitation may be adjusted annually by
- 11 the Legislature to reflect changes in the prices of services and
- 12 products used by school districts and political subdivisions. ~~The~~
- 13 ~~Revenue Committee of the Legislature shall on or before January 15~~
- 14 ~~of each year hold a public hearing to receive and consider~~
- 15 ~~testimony, evidence, and reports.~~".
- 16 2. On page 2, line 9, strike "section" and insert

- 17 "sections 77-3446 and"; and in line 10 strike "is" and insert
18 "are".
19 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1010. Senator Wickersham offered the following amendment to the Kristensen pending amendment:

FA369

Amend AM3231

Line 4 after "return" insert "at the final bid value."

The Wickersham amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

The Kristensen pending amendment, AM3231, found in this day's Journal, as amended, was renewed.

Pending.

VISITORS

Visitors to the Chamber were 55 students and teachers from Wilcox Public School; 25 fourth grade students and teacher from Hooper Elementary School; and 44 fourth grade students and teacher from Oakland Craig Elementary School, Oakland.

The Doctor of the Day was Dr. Joel Travis from Albion.

ADJOURNMENT

At 8:38 p.m., on a motion by Senator Connealy, the Legislature adjourned until 9:00 a.m., Tuesday, April 4, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 4, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 4, 2000

PRAYER

The prayer was offered by Pastor R. D. Fowler, Bethel Baptist Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senator Hilgert who was excused; and Senators Bohlke, Bruning, Byars, Hartnett, Jensen, Kiel, Lynch, Matzke, Robak, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 451 and 482 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 451 and 482.

UNANIMOUS CONSENT - Member Excused

Senator Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 833A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1003A. 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 1234A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1008A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 495A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 925. Senator Bohlke moved to reconsider the Wickersham amendment, FA363, found on page 1496.

Senator Bohlke asked unanimous consent to withdraw her motion to reconsider. No objections. So ordered.

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

Advanced to E & R for review with 32 ayes, 11 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 925A. Title read. Considered.

Senator Bourne offered the following Hilgert amendment:

AM2751

1 1. Insert the following new sections:

2 "Sec. 2. Laws 1999, LB 880, section 103, is amended to
3 read:

4 Sec. 103. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES FINANCE AND SUPPORT

6 Program No. 347 - Public Assistance

7

	FY1999-00	FY2000-01
--	-----------	-----------

8 GENERAL FUND	117,186,993	121,852,184
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9	GENERAL FUND	<u>117,186,993</u>	<u>120,638,184</u>
10	FEDERAL FUND est.	<u>97,929,609</u>	<u>99,703,058</u>
11	FEDERAL FUND est.	<u>97,929,609</u>	<u>99,423,058</u>
12	PROGRAM TOTAL	<u>215,116,602</u>	<u>221,555,242</u>
13	PROGRAM TOTAL	<u>215,116,602</u>	<u>220,061,242</u>

14 There is included in the appropriation to this program
 15 for FY1999-00 \$117,186,993 General Funds and \$97,929,609 Federal
 16 Funds estimate for state aid, which shall only be used for such
 17 purpose. There is included in the appropriation to this program
 18 for FY2000-01 ~~\$121,852,184~~ \$120,638,184 General Funds and
 19 ~~\$99,703,058~~ \$99,423,058 Federal Funds estimate for state aid, which
 20 shall only be used for such purpose.

21 It is also the intent of the Legislature that a grant in
 22 the amount of \$20,000 be provided with these funds for FY1999-00
 23 and for FY2000-01 to the Child Guidance Center in Lincoln,
 24 Nebraska, for the treatment of sexual offense perpetrators.

1 There is included in the appropriation to this program
 2 for FY1999-00 an amount up to \$1,005,396 General Funds which may be
 3 used to match the federal Welfare-to-Work grant. There is included
 4 in the appropriation to this program for FY1999-00 an amount up to
 5 \$1,005,396 of in-kind match which may be used to meet the federal
 6 Welfare-to-Work match requirements. There is included in the
 7 appropriation to this program for FY2000-01 an amount up to
 8 \$1,005,396 General Funds which may be used to match the federal
 9 Welfare-to-Work grant. There is included in the appropriation to
 10 this program for FY2000-01 an amount up to \$1,005,396 of in-kind
 11 match which may be used to to meet the federal Welfare-to-Work
 12 match requirements.

13 The appropriation to this program includes estimated
 14 offsetting child support collections for FY1999-00 of \$4,415,992
 15 General Funds and \$3,648,233 Federal Funds and for FY2000-01 of
 16 \$4,415,992 General Funds and \$3,570,398 Federal Funds. The General
 17 Fund portion of aid to dependent children child support collections
 18 exceeding these estimates may be utilized to support child support
 19 enforcement activities in Program No. 341. The Department of
 20 Health and Human Services Finance and Support shall report the
 21 amount of the collections exceeding the estimates to the budget
 22 administrator of the budget division of the Department of
 23 Administrative Services and the Legislative Fiscal Analyst by June
 24 1 of each year. The amount of such collections remaining
 25 unexpended on June 30, 1999, is hereby reappropriated.

26 For accounting purposes only, the appropriation to this
 27 program includes:

1	(1) State Food Stamp		
2		FY1999-00	FY2000-01
3	GENERAL FUND	715,826	715,826
4	PROGRAM TOTAL	715,826	715,826
5	(2) Food Stamp Training and Employment		
6		FY1999-00	FY2000-01

7	GENERAL FUND	354,354	373,266
8	FEDERAL FUND est.	547,891	583,013
9	PROGRAM TOTAL	902,245	956,279
10	(3) Medically Handicapped Children		
11	FY1999-00		FY2000-01
12	GENERAL FUND	1,228,848	1,228,848
13	FEDERAL FUND est.	889,685	889,685
14	PROGRAM TOTAL	2,118,533	2,118,533
15	(4) IV-E Foster Care		
16	FY1999-00		FY2000-01
17	GENERAL FUND	6,976,595	7,661,490
18	FEDERAL FUND est.	10,923,584	11,923,097
19	PROGRAM TOTAL	17,900,179	19,584,587
20	(5) IV-E Adoption		
21	FY1999-00		FY2000-01
22	GENERAL FUND	2,191,807	2,558,722
23	FEDERAL FUND est.	3,431,815	3,981,978
24	PROGRAM TOTAL	5,623,622	6,540,700
25	(6) Energy Assistance		
26	FY1999-00		FY2000-01
27	FEDERAL FUND est.	8,972,443	8,972,443
1	PROGRAM TOTAL	8,972,443	8,972,443
2	(7) Subsidized Adoption		
3	FY1999-00		FY2000-01
4	GENERAL FUND	1,949,741	2,182,348
5	PROGRAM TOTAL	1,949,741	2,182,348
6	(8) Domestic Violence		
7	FY1999-00		FY2000-01
8	GENERAL FUND	1,197,300	1,197,300
9	FEDERAL FUND est.	733,472	733,472
10	PROGRAM TOTAL	1,930,772	1,930,772
11	(9) Educational Assistance		
12	FY1999-00		FY2000-01
13	GENERAL FUND	8,579,092	8,678,581
14	PROGRAM TOTAL	8,579,092	8,678,581
15	(10) Disabled Persons and Family Support		
16	FY1999-00		FY2000-01
17	GENERAL FUND	910,000	910,000
18	PROGRAM TOTAL	910,000	910,000
19	(11) State Disabled - Medical		
20	FY1999-00		FY2000-01
21	GENERAL FUND	6,600,321	7,262,994
22	PROGRAM TOTAL	6,600,321	7,262,994
23	(12) State Disabled - Maintenance		
24	FY1999-00		FY2000-01
25	GENERAL FUND	606,694	656,140
26	PROGRAM TOTAL	606,694	656,140
27	(13) Title XX		
1	FY1999-00		FY2000-01

2	GENERAL FUND	4,629,921	4,629,921
3	FEDERAL FUND est.	2,136,455	2,136,455
4	PROGRAM TOTAL	6,766,376	6,766,376
5	(14) State Supplement		
6		FY1999-00	FY2000-01
7	GENERAL FUND	6,437,575	6,630,702
8	PROGRAM TOTAL	6,437,575	6,630,702
9	(15) Aid to Dependent Children		
10		FY1999-00	FY2000-01
11	GENERAL FUND	15,160,654	15,181,379
12	FEDERAL FUND est.	33,934,826	33,914,101
13	PROGRAM TOTAL	49,095,480	49,095,480
14	(16) Child Care		
15		FY1999-00	FY2000-01
16	GENERAL FUND	18,338,736	18,724,762
17	<u>GENERAL FUND</u>	<u>18,338,736</u>	<u>17,510,762</u>
18	FEDERAL FUND est.	20,263,852	20,263,852
19	PROGRAM TOTAL	38,602,588	38,988,614
20	<u>PROGRAM TOTAL</u>	<u>38,602,588</u>	<u>37,775,614</u>
21	(17) Emergency Assistance		
22		FY1999-00	FY2000-01
23	GENERAL FUND	690,824	711,549
24	PROGRAM TOTAL	690,824	711,549
25	(18) Job Support		
26		FY1999-00	FY2000-01
27	FEDERAL FUND est.	7,984,591	8,193,967
1	<u>FEDERAL FUND est.</u>	<u>7,984,591</u>	<u>7,913,967</u>
2	<u>PROGRAM TOTAL</u>	<u>7,984,591</u>	<u>8,193,967</u>
3	<u>PROGRAM TOTAL</u>	<u>7,984,591</u>	<u>7,913,967</u>
4	(19) Child Welfare		
5		FY1999-00	FY2000-01
6	GENERAL FUND	41,206,039	43,379,750
7	FEDERAL FUND est.	444,000	444,000
8	PROGRAM TOTAL	41,650,039	43,823,750
9	(20) Refugee Assistance		
10		FY1999-00	FY2000-01
11	FEDERAL FUND est.	1,192,422	1,192,422
12	PROGRAM TOTAL	1,192,422	1,192,422
13	(21) Family Support Funds		
14		FY1999-00	FY2000-01
15	GENERAL FUND	326,563	326,563
16	PROGRAM TOTAL	326,563	326,563
17	(22) Family Preservation and Support		
18		FY1999-00	FY2000-01
19	FEDERAL FUND est.	3,056,133	3,056,133
20	PROGRAM TOTAL	3,056,133	3,056,133
21	(23) Community Service Block Grant		
22		FY1999-00	FY2000-01
23	FEDERAL FUND est.	3,418,440	3,418,440

24 PROGRAM TOTAL 3,418,440 3,418,440
 25 Sec. 3. Original Laws 1999, LB 880, section 103, is
 26 repealed."
 27 2. Underscore original section 1.

The Hilgert amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

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 HEARING
Health and Human Services

Tuesday, April 11, 2000
 Board of Emergency Medical Services
 Katherine Vasa
 State Foster Care Review Board
 Carole Douglas
 Susan Gilmore
 Sheila Heieck
 Linda Lund
 Burrell Williams

1:15 p.m.

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB 825:
 AM3238

(Amendments to AM2040)

- 1 1. On page 10, line 10, after "temporary" insert "or
- 2 permanent"; in line 12 strike "or" and insert a comma; strike
- 3 beginning with "adopted" in line 12 through "thereunder" in line 13
- 4 and insert ", or any order of the director issued pursuant
- 5 thereto"; in line 24 strike "or" and insert a comma and after
- 6 "regulations" insert ", or an order"; and in line 25 strike
- 7 "department pose" and insert "director poses".

Senators Beutler and Schrock filed the following amendment to LB 1234:
 (Amendment, AM3263, 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 1021. Title read. Considered.

The Standing Committee amendment, AM2841, found on page 1059, was considered.

Senators Hartnett and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen asked unanimous consent to replace his pending amendment, FA349, found on page 1403, with a substitute amendment. No objections. So ordered.

Senator Coordsen withdrew his amendment, FA349, found on page 1403.

Senators Schimek and Wickersham renewed their substitute pending amendment, AM3201, found on page 1470, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senators Tyson and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Schimek-Wickersham amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 833A. Placed on Select File.

LEGISLATIVE BILL 1003A. Placed on Select File.

LEGISLATIVE BILL 1234A. Placed on Select File.

LEGISLATIVE BILL 1008A. Placed on Select File.

LEGISLATIVE BILL 495A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 812, 812A, 936, and 936A.

Enrollment and Review Change to LB 936

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

ER9153

1. In the E & R amendments, AM7247:

a. On page 2, line 9, a comma has been inserted after "lower"; and in line 21 "mean" has been struck and "means" inserted; and

b. On page 3, line 23, "include" has been struck and "includes" inserted.

(Signed) Adrian M. Smith, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1021. Senator Coordsen asked unanimous consent to replace his pending amendment, FA350, found on page 1404, with a substitute amendment. No objections. So ordered.

Senator Coordsen withdrew his amendment, FA350, found on page 1404.

Senator Coordsen offered the following substitute amendment to the Standing Committee amendment:

FA362

Amend AM3201

Pg. 9, line 1, strike "fifty" and insert "one hundred"

Pg. 9, line 6, strike "\$50.01" and insert "100.00"

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Coordsen amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Senator Coordsen withdrew his amendments, FA351, FA352, and FA353, found on page 1404.

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

AM3254

(Amendments to AM3201)

- 1 1. On page 6, line 4, after "(4)" insert "In determining
- 2 the value and source of a gift for purposes of this section, an
- 3 official or employee may rely upon a statement of value and source
- 4 with respect to the gift. Any person giving a gift shall give the
- 5 official or employee a statement of value and source at the time
- 6 the gift is given if the official or employee requests such a
- 7 statement.
- 8 (5)"; and in line 6 strike "(5)" and insert "(6)".
- 9 2. On page 9, line 7, after "more" insert "In
- 10 determining the value and source of a gift for purposes of this
- 11 section, an official or employee may rely upon a statement of value
- 12 and source with respect to the gift. Any person giving a gift

13 shall give the official or employee a statement of value and source
 14 at the time the gift is given if the official or employee requests
 15 such a statement".

Senators Jones and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

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

AM3227

(Amendments to AM3201)

- 1 1. On page 5, line 22, strike "A gift", show as
- 2 stricken, and insert "An item of value".
- 3 2. On page 6, line 4, strike "A gift of an" and insert
- 4 "An"; and in line 5 after "given" insert "by any agency, political
- 5 subdivision, or publicly funded postsecondary educational
- 6 institution and accepted".

Pending.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 1330:

FA371

Strike the emergency clause.

FA372

Repeal outright sections 77-4901 to 77-4935.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 1330:

To indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 1330:

FA373

Repeal outright section 77-4901

FA374

Repeal outright section 77-4908

FA375

Repeal outright section 77-4912

FA376

Repeal outright section 77-4916

FA377

Repeal outright section 77-4917

FA378

Repeal outright section 77-4927

FA379

Repeal outright section 77-4927.01

FA380

Repeal outright section 77-4928

FA381

Repeal outright section 77-4929

FA382

Repeal outright section 77-4930

FA383

Repeal outright section 77-4931

FA384

Repeal outright section 77-4932

FA385

Repeal outright section 77-4933

FA386

Repeal outright section 77-4934

FA387

Repeal outright section 77-4934.01

FA388

Repeal outright section 77-4935

Senator Schrock filed the following amendment to LB 1234:
AM3271

(Amendments to E & R amendments, AM7251)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 46-656.25, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 46-656.25. (1) A district in which a management area has
- 5 been designated shall by order adopt one or more of the following
- 6 controls for the management area:
- 7 (a) It may determine the permissible total withdrawal of

- 8 ground water for each day, month, or year and allocate such
 9 withdrawal among the ground water users;
- 10 (b) It may adopt a system of rotation for use of ground
 11 water;
- 12 (c) It may adopt well-spacing requirements more
 13 restrictive than those found in sections 46-609 and 46-651;
- 14 (d) It may require the installation of devices for
 15 measuring ground water withdrawals from water wells;
- 16 (e) It may adopt a system which requires reduction of
 17 irrigated acres pursuant to subsection (2) of section 46-656.26;
- 18 (f) It may limit or prevent the expansion of irrigated
 19 acres;
- 20 (g) It may require the use of best management practices;
- 21 (h) ~~(g)~~ It may require the analysis of water or deep
 22 soils for fertilizer and chemical content;
- 23 (i) ~~(h)~~ It may provide educational requirements,
 1 including mandatory educational requirements, designed to protect
 2 water quality or to stabilize or reduce the incidence of ground
 3 water depletion, conflicts between ground water users and surface
 4 water appropriators, disputes over interstate compacts or decrees,
 5 or difficulties fulfilling the provisions of other formal state
 6 contracts or agreements;
- 7 (j) ~~(i)~~ It may require water quality monitoring and
 8 reporting of results to the district for all water wells within all
 9 or part of the management area; and
- 10 (k) It may close all or a portion of the management area
 11 to the issuance of additional permits or may condition the issuance
 12 of additional permits on compliance with other rules and
 13 regulations adopted and promulgated by the district to achieve the
 14 purpose or purposes for which the management area was designated.
 15 This subdivision may be implemented whenever the district
 16 determines the impact on surface water supplies or the depletion or
 17 contamination of the ground water supply in the management area or
 18 any portion of the management area cannot be protected through
 19 implementation of reasonable controls specified in subdivisions
 20 (1)(a) through (1)(j) of this section; and
- 21 (l) ~~(j)~~ It may adopt and promulgate such other reasonable
 22 rules and regulations as are necessary to carry out the purpose for
 23 which a management area was designated.
- 24 (2) In adopting, amending, or repealing any control
 25 authorized by subsection (1) of this section or sections 46-656.26
 26 and 46-656.27, the district's considerations shall include, but not
 27 be limited to, whether it reasonably appears that such action will
 1 mitigate or eliminate the condition which led to designation of the
 2 management area or will improve the administration of the area.
- 3 (3) Upon request by the district, the Director of Water
 4 Resources shall review and comment on the adoption, amendment, or
 5 repeal of any authorized control in a management area. The
 6 director may hold a public hearing to consider testimony regarding

7 the control prior to commenting on the adoption, amendment, or
8 repeal of the control. The director shall consult with the
9 district and fix a time, place, and date for such hearing. In
10 reviewing and commenting on an authorized control in a management
11 area, the director's considerations shall include, but not be
12 limited to, those enumerated in subsection (2) of this section.

13 (4) If because of varying ground water uses, varying
14 surface water uses, different irrigation distribution systems, or
15 varying climatic, hydrologic, geologic, or soil conditions existing
16 within a management area the uniform application throughout such
17 area of one or more controls would fail to carry out the intent of
18 the Nebraska Ground Water Management and Protection Act in a
19 reasonably effective and equitable manner, the controls adopted by
20 the district pursuant to this section may contain different
21 provisions for different categories of ground water use or portions
22 of the management area which differ from each other because of
23 varying climatic, hydrologic, geologic, or soil conditions. Any
24 differences in such provisions shall recognize and be directed
25 toward such varying ground water uses or varying conditions.
26 Except as otherwise provided in this section, the provisions of all
27 controls for different categories of ground water use shall be
1 uniform for all portions of the area which have substantially
2 similar climatic, hydrologic, geologic, and soil conditions.

3 (5) The district may establish different water
4 allocations for different irrigation distribution systems, on the
5 condition that such different water allocations shall be authorized
6 for no more than five years from the time such allocations are
7 adopted.

8 (6)(a) The district may establish different provisions
9 for different hydrologic relationships between ground water and
10 surface water.

11 (b) For management areas a purpose of which is the
12 integrated management of hydrologically connected ground water and
13 surface water, the district may establish different provisions for
14 water wells constructed before the designation of a management area
15 for integrated management of hydrologically connected ground water
16 and surface water and for water wells constructed on or after the
17 designation date or any other later date or dates established by
18 the district.

19 (c) The district shall make a replacement water well as
20 defined in section 46-602, or as further defined in district rules
21 and regulations, subject to the same provisions as the water well
22 it replaces.

23 (7) If the district determines, following a public
24 hearing conducted pursuant to section 46-656.19, that the impact on
25 surface water supplies or the depletion or contamination of the
26 ground water supply in the management area or any portion of the
27 management area is so excessive that the public interest cannot be
1 protected solely through implementation of reasonable controls

2 adopted pursuant to subsection (1) of this section, it may close
3 all or a portion of the management area to the issuance of any
4 additional permits for a period of not more than five calendar
5 years. The area may be further closed thereafter by a similar
6 procedure for additional time periods of the same length. Any such
7 area may be reopened at any time the district determines that
8 conditions warrant new permits at which time the district shall
9 consider all previously submitted applications for permits in the
10 order in which they were received.

11 (8) Whenever a management area designated under section
12 46-656.39 or 46-656.52 encompasses portions of two or more
13 districts, the responsibilities and authorities delegated in this
14 section and sections 46-656.26 and 46-656.27 shall be exercised
15 jointly and uniformly by agreement of the respective boards of all
16 districts so affected. Whenever management areas designated by two
17 or more districts adjoin each other, the districts are encouraged
18 to exercise the responsibilities and authorities jointly and
19 uniformly by agreement of the respective boards.

20 (8) (9) For the purpose of determining whether conflicts
21 exist between ground water users and surface water appropriators,
22 surface water appropriators under the Nebraska Ground Water
23 Management and Protection Act does not include holders of instream
24 flow appropriations under sections 46-2,107 to 46-2,119.

25 Sec. 7. Section 46-656.26, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 46-656.26. (1) If allocation is adopted for use of
1 ground water for irrigation purposes in a management area, the
2 permissible withdrawal of ground water shall be allocated equally
3 per irrigated acre except as permitted by subsections (4) through
4 (6) of section 46-656.25. Such allocation shall specify the total
5 number of acre-inches that are allocated per irrigated acre per
6 year, except that the district may allow a ground water user to
7 average his or her allocation over any reasonable period of time,
8 ~~not to exceed five years.~~ A ground water user may use his or her
9 allocation on all or any part of the irrigated acres to which the
10 allocation applies or in any other manner approved by the district.

11 (2) If annual rotation or reduction of irrigated acres is
12 adopted for use of ground water for irrigation purposes in a
13 management area, the nonuse of irrigated acres shall be a uniform
14 percentage reduction of each landowner's irrigated acres within the
15 management area or a subarea of the management area. Such uniform
16 reduction may be adjusted for each landowner based upon crops grown
17 on his or her land to reflect the varying consumptive requirements
18 between crops.

19 Sec. 8. Section 46-656.27, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 46-656.27. A district may ~~annually and shall at least~~
22 ~~once every three years~~ review any allocation, rotation, or
23 reduction control imposed in a management area and shall adjust

24 allocations, rotations, or reductions to accommodate new or
 25 additional uses or otherwise reflect findings of such review,
 26 consistent with the ground water management objectives. Such
 27 review shall consider new development or additional ground water
 1 uses within the area, more accurate data or information that was
 2 not available at the time of the allocation, rotation, or reduction
 3 order, the availability of supplemental water supplies, any changes
 4 in ground water recharge, and such other factors as the district
 5 deems appropriate.
 6 Sec. 9. Original sections 46-656.25, 46-656.26, and
 7 46-656.27, Reissue Revised Statutes of Nebraska, are repealed."
 8 2. Insert underscoring in sections 1 to 5.

Senator Coordsen filed the following amendment to LB 171:
 AM3270

(Amendments to Final Reading copy)

- 1 1. On page 2, line 13, strike "one-half" and insert
- 2 "one-quarter".

VISITORS

Visitors to the Chamber were 42 fourth grade students and teacher from
 Ravenna Elementary School; 42 fourth grade students and teachers from
 Stanton Elementary School; 40 fourth grade students and teacher from
 Elliott Elementary School, Lincoln; and 45 fourth grade students and
 teachers from Milford Elementary School.

RECESS

At 12:01 p.m., on a motion by Senator Vrtiska, the Legislature recessed
 until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Hilgert
 who was excused; and Senators Brown, Dierks, Engel, Jones, Landis,
 Lynch, Schrock, Stuhr, and Suttle who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1021. Senator Beutler asked unanimous consent to
 replace his pending amendment, AM3227, found on page 1547, with a
 substitute amendment. No objections. So ordered.

Senator Beutler withdrew his amendment, AM3227, found on page 1547.

Senator Beutler offered the following substitute amendment to the Standing Committee amendment:

AM3281

(Amendments to AM3201)

- 1 1. On page 5, line 22, strike "A gift", show as
- 2 stricken, and insert "An item of value".
- 3 2. On page 6, line 4, strike "A gift of an" and insert
- 4 "An"; and in line 5 after "given" insert "by any sponsoring agency,
- 5 political subdivision, or publicly funded postsecondary educational
- 6 institution and accepted".

The Beutler amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

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

AM3226

(Amendments to AM3201)

- 1 1. On page 4, lines 13 and 14 and 25, strike "gift with
- 2 a" and insert "gifts with an aggregate".

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

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

AM3256

(Amendments to AM3201)

- 1 1. On page 2, strike lines 22 through 27 and insert the
- 2 following new subdivision:
- 3 "(b) For purposes of entertainment expenses reported
- 4 under subdivision (1)(a)(ii) of this section, admissions reported
- 5 under subdivision (1)(a)(vii) of this section, and gifts reported
- 6 under subdivision (1)(c) of this section, the statement shall
- 7 disclose the expenses for such entertainment, admissions, and gifts
- 8 for each member of the Legislature, except that aggregate amounts
- 9 may be reported for events to which all members of the Legislature
- 10 are invited and except that amounts of less than five dollars per
- 11 occasion for food and drink need not be reported under this
- 12 section. For purposes of entertainment expenses reported under
- 13 subdivision (1)(a)(ii) of this section, admissions reported under
- 14 subdivision (1)(a)(vii) of this section, and gifts reported under
- 15 subdivision (1)(c) of this section, the statement shall disclose
- 16 the aggregate amounts for such entertainment, admissions, and gifts

17 for officials in the executive branch of state government, except
 18 that amounts of less than five dollars per occasion for food and
 19 drink need not be reported under this section."

20 2. On page 3, strike lines 1 through 5.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bromm withdrew his amendment.

The Standing Committee amendment, AM2841, as amended, was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 2 nays, 7 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1021:
 AM3277

(Amendments to AM3201)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 49-1403, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 49-1403. For purposes of the Nebraska Political
- 5 Accountability and Disclosure Act, unless the context otherwise
- 6 requires, the definitions found in sections 49-1404 to 49-1444 and
- 7 section 3 of this act shall be used.
- 8 Sec. 3. Relative shall mean a spouse, father, mother,
- 9 grandfather, grandmother, brother, sister, son, daughter, child or
- 10 children legally adopted as such in conformity with the laws of the
- 11 state where adopted, any lineal descendant, any lineal descendant
- 12 legally adopted as such in conformity with the laws of the state
- 13 where adopted, any person to whom an individual for not less than
- 14 ten years prior to receipt of a gift or loan has stood in the
- 15 acknowledged relation of a parent, or the spouse or surviving
- 16 spouse of any such persons."
- 17 2. On page 1, lines 5 and 6, strike "4 and 6" and insert
- 18 "3, 6, and 8".
- 19 3. On page 5, line 12, strike "4" and insert "6"; and
- 20 strike beginning with "member" in line 22 through "such" in line 23
- 21 and show as stricken.
- 22 4. On page 9, line 16, strike "6 and 7" and insert "8
- 23 and 9"; and in line 19 after "sections" insert "49-1403".
- 1 5. Renumber the remaining sections accordingly.

Senator Wehrbein filed the following amendment to LB 1410:
 AM3273

- 1 1. Insert the following new sections:

2 "Sec. 3. Section 90-404, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 90-404. (1) The Game and Parks Commission may enter into
 5 an agreement to accept as a gift from the Nebraska Game and Parks
 6 Foundation all of the real estate described as Lot 1 in the
 7 northwest quarter of the northwest quarter of section 8, township 8
 8 north, range 14 east, Otoe County, Nebraska, except that part of
 9 Lot 1, commencing at the northwest corner of Lot 1, thence east 265
 10 feet, thence south 462 feet, thence west 265 feet to a point on the
 11 west line of Lot 1, thence north 462 feet to the place of
 12 beginning, also described as the east 678.14 feet of Lot 1, all
 13 located in Otoe County, Nebraska, containing 7.1 acres more or less
 14 and including all gas, oil, and mineral rights.
 15 (2) The Game and Parks Commission may enter into an
 16 agreement to accept as a gift from the United States Government all
 17 of the real estate described as a tract of land situated in the
 18 southwest quarter of section 8, township 8 north, range 14 east of
 19 the 6th principal meridian, Otoe County, Nebraska, more
 20 particularly described as follows: Commencing at the northeast
 21 corner of said southwest quarter of section 8; thence west 990.00
 22 feet; thence south to a point that intersects the north
 23 right-of-way line of State Highway No. 2, said intersection being
 24 the point of beginning; thence easterly along said north
 25 right-of-way line of State Highway No. 2, for a distance of 200
 26 feet; thence north 400 feet; thence west 200 feet; thence south to
 27 the point of beginning, all located in Otoe County, Nebraska,
 28 containing 1.84 acres, more or less, or 80,000 square feet.
 29 (3) In consideration of such ~~conveyance~~ conveyances, the
 30 commission agrees that the land shall be designated and utilized as
 31 an addition ~~additions~~ to Arbor Lodge State Historical Park.
 32 Sec. 4. Original section 90-404, Reissue Revised
 33 Statutes of Nebraska, is repealed."
 34 2. Insert underscoring in sections 1 and 2 and renumber
 35 the remaining section accordingly.

Senator Jensen filed the following amendment to LB 819:
 AM3242

(Amendments to Standing Committee amendments, AM3133)

- 1 1. On page 7, line 18, strike "(1)"; and strike lines 23
- 2 through 25.
- 3 2. On page 27, line 19, after "facilities" insert "and
- 4 skilled nursing facilities".
- 5 3. On page 31, after line 15, insert the following new
- 6 subsection:
- 7 "(6) For purposes of the Life Safety Code under section
- 8 81-502, an assisted-living facility shall be classified as (a)
- 9 residential board and care if the facility meets the residential
- 10 board and care classification requirements of the Life Safety Code
- 11 or (b) limited care if the facility meets the limited care

12 classification requirements of the Life Safety Code."

13 4. On page 111, line 15, after "facility" insert "or a
14 skilled nursing facility"; and in line 16 strike "section", show as
15 stricken, and insert "sections" and after "24" insert "and 29".

16 5. On page 118, line 9, after "facility" insert "or a
17 skilled nursing facility"; in line 10 strike "section 24" and
18 insert "sections 24 and 29"; and strike beginning with "and" in
19 line 10 through the period in line 11, show the old matter as
20 stricken, and insert an underscored period.

21 6. On page 122, line 13, after "facility" insert "or a
22 skilled nursing facility".

23 7. On page 132, strike beginning with "an" in line 22
1 through the underscored comma in line 23; in line 23 strike the
2 second comma and show as stricken; and in line 25 strike "20," and
3 the second underscored comma.

4 8. On page 133, line 3, strike "20," and the second
5 underscored comma; and strike beginning with the comma in line 5
6 through the period in line 7, show the old matter as stricken, and
7 insert an underscored period.

Senator Schrock filed the following amendment to LB 1234A:
AM3274

1 1. Insert the following new section:

2 "Sec. 2. There is hereby appropriated (1) \$500,000 from
3 the Construction Administration Fund for FY2000-01 and (2) \$500,000
4 from the Construction Administration Fund for FY2001-02 to the
5 Department of Environmental Quality, for Program 523, to aid in
6 carrying out the provisions of Legislative Bill 1234, Ninety-sixth
7 Legislature, Second Session, 2000.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.

11 There is included in the appropriation to this program
12 for FY2000-01 \$500,000 Cash Funds for state aid, which shall only
13 be used for such purpose. There is included in the appropriation
14 to this program for FY2001-02 \$500,000 Cash Funds for state aid,
15 which shall only be used for such purpose."

MOTION - Print in Journal

Senators Wehrbein and Jones filed the following motion to LB 341:
To place LB 341 on General File pursuant to Rule 3, Section 19, of the
legislative rules.

GENERAL FILE

LEGISLATIVE BILL 1223. Title read. Considered.

The Standing Committee amendment, AM2760, printed separately and

referred to on page 1025, 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 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1223A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 972. Title read. Considered.

PRESIDENT MAURSTAD PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM2558, found on page 982, was considered.

Senator Bourne renewed his pending amendment, AM2699, found on page 1057, to the Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 972:
AM3268

(Amendments to Standing Committee amendments, AM2558)

- 1 1. On page 3, line 22, strike "manager of" and insert
- 2 "vendor operating" and after "Unit" insert "or his or her
- 3 designee".
- 4 2. On page 4, strike beginning with "by" in line 18
- 5 through "Council" in line 20.
- 6 3. On page 5, line 15, strike "no further" and insert
- 7 "for the following year, no" and strike "that future".

Senator Kristensen filed the following amendment to LB 972A:
AM3275

- 1 1. Insert the following new section:
- 2 "Sec. 6. There is hereby appropriated (1) \$30,000 from
- 3 the General Fund and \$60,000 from federal funds for FY2000-01 and
- 4 (2) \$30,000 from the General Fund and \$60,000 from the federal
- 5 funds for FY2001-02 to the Legislative Council, for Program 122, to
- 6 aid in carrying out the provisions of Legislative Bill 972,
- 7 Ninety-sixth Legislature, Second Session, 2000.
- 8 No expenditures for permanent and temporary salaries and

9 per diems for state employees shall be made from funds appropriated
10 in this section."

Senator Brown filed the following amendment to LB 972A:
AM3120

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

3 "Section 1. There is hereby appropriated \$100,000 from
4 the General Fund for FY2000-01 to the Department of Health and
5 Human Services Finance and Support, for Program 339, to aid in
6 carrying out the provisions of Legislative Bill 972, Ninety-sixth
7 Legislature, Second Session, 2000.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.

11 Sec. 2. There is hereby appropriated (1) \$1,060,389 from
12 the General Fund and \$2,058,402 from federal funds for FY2000-01
13 and (2) \$1,758,136 from the General Fund and \$3,218,735 from
14 federal funds for FY2001-02 to the State Treasurer, for Program 24,
15 to aid in carrying out the provisions of Legislative Bill 972,
16 Ninety-sixth Legislature, Second Session, 2000.

17 Total expenditures for permanent and temporary salaries
18 and per diems from funds appropriated in this section shall not
19 exceed \$105,060 for FY2000-01 or \$933,072 for FY2001-02.

20 Sec. 3. There is hereby appropriated \$20,000 from the
21 Accounting Division Revolving Fund for FY2000-01 to the Department
22 of Administrative Services, for Program 567, to aid in carrying out
23 the provisions of Legislative Bill 972, Ninety-sixth Legislature,
24 Second Session, 2000.

1 No expenditures for permanent and temporary salaries and
2 per diems for state employees shall be made from funds appropriated
3 in this section.

4 Sec. 4. There is hereby appropriated \$40,500 from the
5 State Building Revolving Fund for FY2001-02 and to the Department
6 of Administrative Services, for Program 560, to aid in carrying out
7 the provisions of Legislative Bill 972, Ninety-sixth Legislature,
8 Second Session, 2000.

9 No expenditures for permanent and temporary salaries and
10 per diems for state employees shall be made from funds appropriated
11 in this section.

12 Sec. 5. There is hereby appropriated \$1,932,572 from the
13 Telephone Expense Revolving Fund for FY2001-02 to the Department of
14 Administrative Services, for Program 173, to aid in carrying out
15 the provisions of Legislative Bill 972, Ninety-sixth Legislature,
16 Second Session, 2000.

17 No expenditures for permanent and temporary salaries and
18 per diems for state employees shall be made from funds appropriated
19 in this section.

20 Sec. 6. There is hereby appropriated \$1,192,209 from the

21 General Fund and \$2,314,291 from federal funds for FY2001-02 to the
 22 Department of Health and Human Services, for Program 33, to aid in
 23 carrying out the provisions of Legislative Bill 972, Ninety-sixth
 24 Legislature, Second Session, 2000.
 25 Total expenditures for permanent and temporary salaries
 26 and per diems from funds appropriated in this section shall not
 27 exceed \$1,186,774 for FY2001-02."

Senator Beutler filed the following amendment to LB 1401:
 AM3272

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 15. In addition to the criteria set out in section
- 3 79-1007.01, no student shall be counted as having limited English
- 4 proficiency for purposes of such section unless (1) the student
- 5 actually has an English language deficit resulting from a
- 6 non-English-speaking background and (2) the school district which
- 7 the student attends is in fact incurring substantial expenditures
- 8 to remedy the student's English language deficit. The State
- 9 Department of Education shall audit a sufficient number of school
- 10 districts identifying limited English proficiency students to
- 11 insure compliance with the law."
- 12 2. On page 1, line 15, after the second comma insert
- 13 "limited English proficiency students,".
- 14 3. Renumber the remaining sections accordingly.

REPORT OF THE EXECUTIVE BOARD

2000 Resolution calling for an Interim Study

The following legislative study resolution was rereferenced:

LR 409 Rereferred from Government, Military and Veterans Affairs to
 Revenue

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

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 352 with 38 ayes, 3 nays, 5 present and not voting,
 and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 352. With Emergency.

A BILL FOR AN ACT relating to disabled persons; to amend sections 83-210.01 to 83-210.03, 83-211, 83-211.02, and 84-1604.01, Reissue Revised Statutes of Nebraska, and section 71-4720.01, 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 provide for a voice newspaper delivery system and a technology access contract clause; to eliminate a videotext service; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 83-210.04 to 83-210.07 and 83-212, Reissue Revised Statutes of Nebraska, and section 71-4733, 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, 37:

Aguilar	Beutler	Bohlke	Bourne	Bruning
Byars	Chambers	Connealy	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Vrtiska	Wehrbein			

Voting in the negative, 10:

Baker	Bromm	Brown	Jones	Price
Raikes	Redfield	Thompson	Tyson	Wickersham

Excused and not voting, 2:

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

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 352A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, sections 92, 99, and 106; to appropriate funds to aid in carrying out the provisions of Legislative Bill 352, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Beutler	Bohlke	Bourne	Bromm
Bruning	Byars	Chambers	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Quandahl	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 7:

Baker	Brown	Price	Raikes	Redfield
Thompson	Tyson			

Excused and not voting, 3:

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

LEGISLATIVE BILL 153. With Emergency.

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.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 3:

Brashear Hilgert 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 153A. With Emergency.

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, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Dickey	Dierks
Engel	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Landis	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Crosby Lynch

Excused and not voting, 3:

Brashear Hilgert 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 289. With Emergency.

A BILL FOR AN ACT relating to zoning and planning; to amend section

23-114, Revised Statutes Supplement, 1999; to provide central filing for county zoning regulations; 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, 35:

Aguilar	Baker	Bohlke	Bourne	Brown
Bruning	Byars	Connealy	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jones	Kiel	Kremer
Kristensen	Matzke	Pedersen, Dw.	Pederson, D.	Price
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 11:

Beutler	Bromm	Chambers	Jensen	Landis
Lynch	Preister	Raikes	Redfield	Schmitt
Thompson				

Present and not voting, 1:

Quandahl

Excused and not voting, 2:

Brashear 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.

Senator Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 289A.

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, Second Session, 2000.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jones	Kiel	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Price	Raikes	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 8:

Bromm	Chambers	Jensen	Landis	Preister
Redfield	Schmitt	Thompson		

Present and not voting, 1:

Quandahl

Excused and not voting, 3:

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

LEGISLATIVE BILL 482.

A BILL FOR AN ACT relating to wards of the state; to provide for payments to 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, 43:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Connealy Kristensen

Excused and not voting, 3:

Brashear Crosby Hilgert

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

LEGISLATIVE BILL 482A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 482, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Brashear Crosby Hilgert

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

LEGISLATIVE BILL 557.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Supplement, 1999; to exempt purchases by city, county, or joint airport authorities 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, 32:

Aguilar	Beutler	Bohlke	Bromm	Bruning
Byars	Coordsen	Cudaback	Dickey	Dierks
Engel	Hudkins	Janssen	Jones	Kiel
Kremer	Kristensen	Matzke	Pedersen, Dw.	Pederson, D.
Quandahl	Raikes	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Thompson	Tyson
Wehrbein	Wickersham			

Voting in the negative, 10:

Baker	Bourne	Chambers	Hartnett	Jensen
Landis	Lynch	Price	Redfield	Suttle

Present and not voting, 4:

Brown	Connealy	Preister	Vrtiska
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Excused and not voting, 3:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 652 with 36 ayes, 2 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 652. With Emergency.

A BILL FOR AN ACT relating to juvenile corrections; to amend sections 43-251.01, 43-258, 43-284, 43-286, 43-290, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408, 43-416, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the placement and confinement of juveniles; to transfer and rename the secure youth confinement facility and fund; 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, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Kiel
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 2:

Chambers Kristensen

Present and not voting, 2:

Jones Wickersham

Excused and not voting, 3:

Brashear Crosby 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.

Senator Bromm asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 652A.

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, Second Session, 2000.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Kiel	Kremer
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield

Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Jones Kristensen

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 717.

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, and 81-15,214, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the source and use of certain funds; to provide powers and duties; to state intent; to provide a termination date; 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:

Aguilar	Baker	Bohlke	Bourne	Brown
Bruning	Byars	Chambers	Connealy	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Beutler Jones

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 717A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 717, Ninety-sixth Legislature, Second Session, 2000; 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, 41:

Aguilar	Baker	Bourne	Brown	Bruning
Byars	Chambers	Connealy	Coordsen	Dickey
Dierks	Engel	Hartnett	Hudkins	Janssen
Jensen	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 4:

Beutler Bohlke Cudaback Jones

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 922. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-301.02, Revised Statutes Supplement, 1998; to provide additional district court and juvenile court judgeships; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Kiel
Kremer	Kristensen	Landis	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Jones Lynch

Excused and not voting, 4:

Brashear Bromm Crosby 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 922A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 922, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson

Tyson Vrtiska Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Jones Wickersham

Excused and not voting, 4:

Brashear Bromm Crosby 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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 352, 352A, 153, 153A, 289, 289A, 482, 482A, 557, 652, and 652A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 950. With Emergency.

A BILL FOR AN ACT relating to children; to adopt the Infant Hearing Act; to provide for insurance and medicaid payments; 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:

Aguilar	Beutler	Bohlke	Bourne	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Dickey	Dierks	Engel	Hartnett	Hudkins
Janssen	Jensen	Kiel	Kremer	Kristensen
Landis	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Raikes

Present and not voting, 5:

Baker Brown Jones Lynch Pederson, D.

Excused and not voting, 4:

Brashear Bromm Crosby 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 950A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 950, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

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

Voting in the affirmative, 37:

Aguilar	Beutler	Bohlke	Bourne	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Dickey	Dierks	Engel	Hartnett	Hudkins
Janssen	Jensen	Kremer	Kristensen	Matzke
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 8:

Baker Brown Jones Kiel Landis
Lynch Pederson, D. Vrtiska

Excused and not voting, 4:

Brashear Bromm Crosby 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 957. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections

81-15,167, 81-15,169, 81-15,173, 81-15,174, 81-15,175, and 81-15,176, Reissue Revised Statutes of Nebraska; to create the Carbon Sequestration Advisory Committee; to provide duties; to create funds; to change provisions of the Nebraska Environmental Trust 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, 41:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Kiel
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Kristensen

Present and not voting, 3:

Jones	Suttle	Tyson
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Excused and not voting, 4:

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

LEGISLATIVE BILL 957A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 957, Ninety-sixth Legislature, Second Session, 2000; to state intent; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Kiel
Kremer	Kristensen	Landis	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Thompson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 6:

Jones	Lynch	Robak	Suttle	Tyson
Wickersham				

Excused and not voting, 4:

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

LEGISLATIVE BILL 1092.

A BILL FOR AN ACT relating to agriculture; to state intent; and to provide for a state meat inspection pilot program.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schmitt
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Raikes	Schrock
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Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 1092A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1092, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bruning	Byars	Chambers	Connealy	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 1107.

A BILL FOR AN ACT relating to school finance; to amend section 79-1008.02, Revised Statutes Supplement, 1998, and sections 77-3442, 79-1015.01, and 79-1031, Revised Statutes Supplement, 1999; to change the calculation of local effort rate; to adjust levy amounts; to change a duty to provide estimates; 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, 35:

Aguilar	Baker	Bohlke	Bourne	Bruning
Byars	Connealy	Coordsen	Cudaback	Dickey
Dierks	Engel	Hartnett	Hudkins	Janssen
Jones	Kiel	Kremer	Landis	Lynch
Matzke	Preister	Price	Raikes	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 10:

Beutler	Brown	Chambers	Jensen	Kristensen
Pedersen, Dw.	Pederson, D.	Quandahl	Redfield	Thompson

Excused and not voting, 4:

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

LEGISLATIVE BILL 1107A. Senator Wickersham asked unanimous consent to pass over. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 717, 717A, 922, 922A, 950, 950A, 957, and 957A.

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 1243 with 34 ayes, 3 nays, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1243.

A BILL FOR AN ACT relating to schools; to amend sections 79-534 and 79-535, Reissue Revised Statutes of Nebraska, sections 79-215 and 79-1115, Revised Statutes Supplement, 1998, and sections 9-812,

79-1125.01, 79-1142, and 79-1145, Revised Statutes Supplement, 1999; to change admission and tuition provisions; to change provisions relating to special education; to change and eliminate definitions and usage of terms; to change reimbursement; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1123, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Hartnett

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1243A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1243, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Hartnett

Present and not voting, 2:

Kristensen Robak

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 480.

A BILL FOR AN ACT relating to women's health; to create the Women's Health Initiative of Nebraska; to create an advisory council and 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, 28:

Beutler	Bohlke	Bourne	Brown	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Janssen	Kiel	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Price	Quandahl	Raikes
Robak	Schimek	Schmitt	Schrock	Stuhr
Suttle	Thompson	Wickersham		

Voting in the negative, 15:

Aguilar	Dickey	Dierks	Engel	Hartnett
Hudkins	Jensen	Jones	Kremer	Pederson, D.
Redfield	Smith	Tyson	Vrtiska	Wehrbein

Present and not voting, 2:

Baker Preister

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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

LEGISLATIVE BILL 480A.

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, Second Session, 2000.

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

Voting in the affirmative, 28:

Beutler	Bohlke	Bourne	Bruning	Byars
Chambers	Connealy	Coordsen	Cudaback	Janssen
Kiel	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Price	Quandahl	Raikes	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Wickersham		

Voting in the negative, 8:

Aguilar	Engel	Hudkins	Jensen	Jones
Pederson, D.	Redfield	Tyson		

Present and not voting, 9:

Baker	Brown	Dickey	Dierks	Hartnett
Kremer	Preister	Vrtiska	Wehrbein	

Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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 414 with 35 ayes, 3 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 414.

A BILL FOR AN ACT relating to courts; to amend sections 7-111, 22-417, 23-2504, 24-345, 24-507 to 24-509, 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, and 77-2019, Reissue Revised Statutes of Nebraska, sections 24-228 and 24-709.02, Revised Statutes Supplement, 1998, and sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2518, 24-513, 24-701, 24-706, and 76-723, Revised Statutes Supplement, 1999; 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 courts; to eliminate the position of clerk magistrate and election of clerks of the district courts; to require a study; to provide intent; to provide duties; to eliminate obsolete requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-524, 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, 25:

Baker	Beutler	Bohlke	Bourne	Brown
Byars	Chambers	Connealy	Dickey	Hartnett
Hudkins	Kiel	Kristensen	Landis	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Schrock	Suttle	Thompson	Wehrbein

Voting in the negative, 19:

Bruning	Coordsen	Cudaback	Dierks	Engel
Janssen	Jensen	Jones	Kremer	Lynch
Matzke	Pederson, D.	Redfield	Schmitt	Smith
Stuhr	Tyson	Vrtiska	Wickersham	

Present and not voting, 1:

Aguilar

Excused and not voting, 4:

Brashear	Bromm	Crosby	Hilgert
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A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 414A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 26:

Baker	Beutler	Bohlke	Bourne	Brown
Chambers	Connealy	Dickey	Hartnett	Hudkins
Janssen	Kiel	Kristensen	Landis	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Schrock	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 12:

Bruning	Engel	Jensen	Jones	Kremer
Matzke	Pederson, D.	Redfield	Schmitt	Smith
Stuhr	Tyson			

Present and not voting, 7:

Aguilar	Byars	Coordsen	Cudaback	Dierks
Lynch	Vrtiska			

Excused and not voting, 4:

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

LEGISLATIVE BILL 1363.

A BILL FOR AN ACT relating to labor; to create the Task Force on the Productive Integration of the Immigrant Workforce Population; to provide for a Meatpacking Industry Worker Rights Coordinator; to provide powers and duties; to create a fund; 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, 42:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dierks	Engel	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 3:

Dickey	Hartnett	Pederson, D.
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Excused and not voting, 4:

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

LEGISLATIVE BILL 1363A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1363, Ninety-sixth Legislature, Second Session, 2000.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bruning	Byars	Chambers	Connealy	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Brown	Pederson, D.
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Excused and not voting, 4:

Brashear Bromm Crosby Hilgert

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: LBs 1092, 1092A, 1107, 1243, 1243A, 480, 480A, 414, and 414A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1399. With Emergency.

A BILL FOR AN ACT relating to teachers; to provide for a salary study; to create a task force; to provide a termination date; to adopt the Master Teacher Program Act; to adopt the Attracting Excellence to Teaching Program Act; to provide duties for the Nebraska Volunteer Service Commission; to provide severability; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Tyson

Excused and not voting, 4:

Brashear Bromm Crosby 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 1399A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1399, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Tyson

Present and not voting, 1:

Pederson, D.

Excused and not voting, 4:

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

LEGISLATIVE BILL 1124. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to create the Greenbelt Advisory Committee; to provide powers and duties; and to declare an emergency.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 1124A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1124, Ninety-sixth Legislature, Second Session, 2000; and to declare an emergency.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 1348.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1299, 81-12,102, and 81-12,103, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Opportunities and Value-Added Partnerships Act; to provide a termination date; to state intent relating to appropriations; to change provisions relating to the Microenterprise Partnership 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, 39:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jones	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Robak
Schmitt	Schroek	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 6:

Jensen	Kiel	Pederson, D.	Redfield	Schimek
Suttle				

Excused and not voting, 4:

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

LEGISLATIVE BILL 1348A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1348, Ninety-sixth Legislature, Second Session, 2000.

Whereupon the 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Hartnett
Hudkins	Janssen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 6:

Engel	Jensen	Kiel	Pederson, D.	Redfield
Suttle				

Excused and not voting, 4:

Brashear	Bromm	Crosby	Hilgert
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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: LBs 1363, 1363A, 1399, 1399A, 1124, 1124A, 1348, and 1348A.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 1107A:
AM3286

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-1590, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 71-1590. (1) The real and personal property of a local
- 6 housing agency and any wholly owned controlled affiliate thereof
- 7 used solely (a) for the administrative offices of the housing
- 8 agency or wholly owned controlled affiliate thereof, (b) to provide
- 9 housing for persons of eligible income and qualifying tenants, and
- 10 (c) for appurtenances related to such housing shall be exempt from
- 11 all taxes and special assessments of any city, any county, the
- 12 state, or any public agency thereof, including without limitation
- 13 any special taxing district or similar political subdivision. All

14 other real and personal property of the housing agency or wholly
15 owned controlled affiliate thereof shall be deemed to not be used
16 for a public purpose for purposes of section 77-202 and shall be
17 taxable as provided in sections 77-201 and 77-202.11. Property
18 owned jointly by a housing agency or its wholly owned controlled
19 affiliates with other nongovernmental persons or entities shall be
20 exempt from such taxes and assessments to the extent of the
21 ownership interest which the housing agency and its wholly owned
22 controlled affiliates hold in the property and to the extent the
23 property is used solely to provide housing for persons of eligible
1 income and qualifying tenants. Nothing in this section shall be
2 deemed to preclude a housing agency and its wholly owned controlled
3 affiliates from entering into an agreement for the payment of all
4 or any portion of any special assessments which might otherwise be
5 assessed except for the exemption created by this section.

6 (2) A housing agency may agree to make payments in lieu
7 of all taxes or special assessments to the county within whose
8 territorial jurisdiction any development of such housing agency or
9 its controlled affiliates is located, for improvements, services,
10 and facilities furnished by the city, county, or other public
11 agencies, for the benefit of such development. Nothing contained
12 in this section shall be deemed to require such an agreement by a
13 local housing agency, and in no event shall the amounts payable by
14 the housing agency exceed the amounts which, except for the
15 exemption provided in this section, would otherwise be payable
16 under regular taxes and special assessments for similar properties
17 referred to in subsection (1) of this section. All payments in
18 lieu of taxes made by any such housing agency shall be distributed
19 by the county to all public agencies in such proportion that each
20 public agency shall receive from the total payment the same
21 proportion as its property tax rate bears to the total property tax
22 which would be levied by each public agency against property of the
23 housing agency if the same were not exempt from taxation.

24 (3) The property of Indian housing authorities created
25 under Indian law shall be exempt from all taxes and special
26 assessments of the state or any city, village, or public agency
27 thereof. In lieu of such taxes or special assessments, an Indian
1 housing authority may agree to make payments to any city, village,
2 or public agency for improvements, services, or facilities
3 furnished by such city, village, or public agency for the benefit
4 of a housing project owned by the housing authority, but in no
5 event shall such payments exceed the estimated cost to such city,
6 village, or public agency of the improvements, services, or
7 facilities to be so furnished. All payments made by any such
8 housing authority in lieu of taxes, whether such payments are
9 contractually stipulated or gratuitous voluntary payments, shall be
10 distributed among the cities, villages, or public agencies within
11 which the housing project is located, in such proportion that each
12 city, village, or public agency shall receive from the total

13 payment the same proportion as its ad valorem tax rate bears to the
14 total ad valorem tax rate which would be levied by each city,
15 village, or public agency against the properties of the Indian
16 housing authority if the same were not exempt from taxation. For
17 purposes of this section. (a) Indian housing authority has the same
18 meaning as in 24 C.F.R. 955.103, and (b) Indian law means the code
19 of an Indian tribe recognized as eligible for services provided to
20 Indians by the United States Secretary of the Interior.
21 Sec. 2. Original section 71-1590, Revised Statutes
22 Supplement, 1999, is repealed."

UNANIMOUS CONSENT - Add Cointroducers

Senator Landis asked unanimous consent to have his name added as cointroducer to LB 957. No objections. So ordered.

Senator Janssen asked unanimous consent to have his name added as cointroducer to LB 1346. No objections. So ordered.

VISITORS

Visitors to the Chamber were 78 fourth grade students and teachers from Tara Heights Elementary School, Papillion and Senator Preister's nephew, Adam Preister; and 13 seventh and eighth grade students and teachers from Golden Plains Christian School, Madrid.

The Doctor of the Day was Dr. Shawn Semin from Lincoln.

ADJOURNMENT

At 5:39 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 5, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 5, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 2000

PRAYER

The prayer was offered by Reverend Bill Ritter, Elkhorn Hills United Methodist Church, Elkhorn, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Brown, Connealy, Hartnett, Kiel, Kremer, Raikes, Robak, and Schrock who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

On page 1534, line 38, strike "Sec." and insert before "2" in line 39.
The Journal for the fifty-fourth day was approved as corrected.
The Journal for the fifty-fifth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 2000, at 5:45 p.m., were the following: LBs 352e, 352Ae, 153e, 153Ae, 289e, 289A, 482, 482A, 557, 652e, 652A, 717, 717A, 922e, 922Ae, 950, 950Ae, 957, 957A, 1092, 1092A, 1107, 1243, 1243A, 480, 480A, 414, 414A, 1363, 1363A, 1399e, 1399Ae, 1124e, 1124Ae, 1348, and 1348A.

(Signed) Diana Bridges
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 833A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1138. The Standing Committee amendment, AM2464, found on page 747 and considered on page 1463, was renewed.

Senator Wickersham withdrew the Wickersham et al. amendment, AM3187, found on page 1463.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM3212, found on page 1508, to the Standing Committee amendment.

Senator Wickersham requested to pass over LB 1138.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 819. Title read. Considered.

The Standing Committee amendment, AM3133, printed separately and referred to on page 1457, was considered.

Senator Jensen renewed his pending amendment, AM3242, found on page 1555, to the Standing Committee amendment.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

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 26 ayes, 0 nays, 19 present and not voting, and 4 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 819A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 951. Title read. Considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 925. Placed on Select File as amended.

(E & R amendment, AM7265, 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 925A. Placed on Select File as amended.

E & R amendment to LB 925A:

AM7266

1 1. Strike the original section and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. There is hereby appropriated \$112,178 from
 4 the General Fund for FY2000-01 to the Department of Revenue, for
 5 Program 102, to aid in carrying out the provisions of Legislative
 6 Bill 925, Ninety-sixth Legislature, Second Session, 2000.
 7 No expenditures for permanent and temporary salaries and
 8 per diems for state employees shall be made from funds appropriated
 9 in this section.

10 Sec. 2. Laws 1999, LB 880, section 103, is amended to
 11 read:

12 Sec. 103. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN
 13 SERVICES FINANCE AND SUPPORT

14 Program No. 347 - Public Assistance

	FY1999-00	FY2000-01
15 GENERAL FUND	117,186,993	121,852,184
16 GENERAL FUND	<u>117,186,993</u>	<u>120,638,184</u>
17 FEDERAL FUND est.	97,929,609	99,703,058
18 FEDERAL FUND est.	<u>97,929,609</u>	<u>99,423,058</u>
19 PROGRAM TOTAL	215,116,602	221,555,242
20 PROGRAM TOTAL	<u>215,116,602</u>	<u>220,061,242</u>

22 There is included in the appropriation to this program
 23 for FY1999-00 \$117,186,993 General Funds and \$97,929,609 Federal
 24 Funds estimate for state aid, which shall only be used for such
 1 purpose. There is included in the appropriation to this program
 2 for FY2000-01 ~~\$121,852,184~~ \$120,638,184 General Funds and
 3 ~~\$99,703,058~~ \$99,423,058 Federal Funds estimate for state aid, which
 4 shall only be used for such purpose.

5 It is also the intent of the Legislature that a grant in
 6 the amount of \$20,000 be provided with these funds for FY1999-00
 7 and for FY2000-01 to the Child Guidance Center in Lincoln,
 8 Nebraska, for the treatment of sexual offense perpetrators.

9 There is included in the appropriation to this program
 10 for FY1999-00 an amount up to \$1,005,396 General Funds which may be
 11 used to match the federal Welfare-to-Work grant. There is included
 12 in the appropriation to this program for FY1999-00 an amount up to
 13 \$1,005,396 of in-kind match which may be used to meet the federal
 14 Welfare-to-Work match requirements. There is included in the
 15 appropriation to this program for FY2000-01 an amount up to
 16 \$1,005,396 General Funds which may be used to match the federal
 17 Welfare-to-Work grant. There is included in the appropriation to
 18 this program for FY2000-01 an amount up to \$1,005,396 of in-kind

19 match which may be used to to meet the federal Welfare-to-Work
 20 match requirements.

21 The appropriation to this program includes estimated
 22 offsetting child support collections for FY 1999-00 of \$4,415,992
 23 General Funds and \$3,648,233 Federal Funds and for FY2000-01 of
 24 \$4,415,992 General Funds and \$3,570,398 Federal Funds. The General
 25 Fund portion of aid to dependent children child support collections
 26 exceeding these estimates may be utilized to support child support
 27 enforcement activities in Program No. 341. The Department of
 1 Health and Human Services Finance and Support shall report the
 2 amount of the collections exceeding the estimates to the budget
 3 administrator of the budget division of the Department of
 4 Administrative Services and the Legislative Fiscal Analyst by June
 5 1 of each year. The amount of such collections remaining
 6 unexpended on June 30, 1999, is hereby reappropriated.
 7 For accounting purposes only, the appropriation to this
 8 program includes:

9 (1) State Food Stamp

10	FY1999-00	FY2000-01
11 GENERAL FUND	715,826	715,826
12 PROGRAM TOTAL	715,826	715,826

13 (2) Food Stamp Training and Employment

14	FY1999-00	FY2000-01
15 GENERAL FUND	354,354	373,266
16 FEDERAL FUND est.	547,891	583,013
17 PROGRAM TOTAL	902,245	956,279

18 (3) Medically Handicapped Children

19	FY1999-00	FY2000-01
20 GENERAL FUND	1,228,848	1,228,848
21 FEDERAL FUND est.	889,685	889,685
22 PROGRAM TOTAL	2,118,533	2,118,533

23 (4) IV-E Foster Care

24	FY1999-00	FY2000-01
25 GENERAL FUND	6,976,595	7,661,490
26 FEDERAL FUND est.	10,923,584	11,923,097
27 PROGRAM TOTAL	17,900,179	19,584,587

1 (5) IV-E Adoption

2	FY1999-00	FY2000-01
3 GENERAL FUND	2,191,807	2,558,722
4 FEDERAL FUND est.	3,431,815	3,981,978
5 PROGRAM TOTAL	5,623,622	6,540,700

6 (6) Energy Assistance

7	FY1999-00	FY2000-01
8 FEDERAL FUND est.	8,972,443	8,972,443
9 PROGRAM TOTAL	8,972,443	8,972,443

10 (7) Subsidized Adoption

11	FY1999-00	FY2000-01
12 GENERAL FUND	1,949,741	2,182,348
13 PROGRAM TOTAL	1,949,741	2,182,348

14	(8) Domestic Violence		
15		FY1999-00	FY2000-01
16	GENERAL FUND	1,197,300	1,197,300
17	FEDERAL FUND est.	733,472	733,472
18	PROGRAM TOTAL	1,930,772	1,930,772
19	(9) Educational Assistance		
20		FY1999-00	FY2000-01
21	GENERAL FUND	8,579,092	8,678,581
22	PROGRAM TOTAL	8,579,092	8,678,581
23	(10) Disabled Persons and Family Support		
24		FY1999-00	FY2000-01
25	GENERAL FUND	910,000	910,000
26	PROGRAM TOTAL	910,000	910,000
27	(11) State Disabled - Medical		
1		FY1999-00	FY2000-01
2	GENERAL FUND	6,600,321	7,262,994
3	PROGRAM TOTAL	6,600,321	7,262,994
4	(12) State Disabled - Maintenance		
5		FY1999-00	FY2000-01
6	GENERAL FUND	606,694	656,140
7	PROGRAM TOTAL	606,694	656,140
8	(13) Title XX		
9		FY1999-00	FY2000-01
10	GENERAL FUND	4,629,921	4,629,921
11	FEDERAL FUND est.	2,136,455	2,136,455
12	PROGRAM TOTAL	6,766,376	6,766,376
13	(14) State Supplement		
14		FY1999-00	FY2000-01
15	GENERAL FUND	6,437,575	6,630,702
16	PROGRAM TOTAL	6,437,575	6,630,702
17	(15) Aid to Dependent Children		
18		FY1999-00	FY2000-01
19	GENERAL FUND	15,160,654	15,181,379
20	FEDERAL FUND est.	33,934,826	33,914,101
21	PROGRAM TOTAL	49,095,480	49,095,480
22	(16) Child Care		
23		FY1999-00	FY2000-01
24	GENERAL FUND	18,338,736	18,724,762
25	GENERAL FUND	18,338,736	17,510,762
26	FEDERAL FUND est.	20,263,852	20,263,852
27	PROGRAM TOTAL	38,602,588	38,988,614
1	PROGRAM TOTAL	38,602,588	37,774,614
2	(17) Emergency Assistance		
3		FY1999-00	FY2000-01
4	GENERAL FUND	690,824	711,549
5	PROGRAM TOTAL	690,824	711,549
6	(18) Job Support		
7		FY1999-00	FY2000-01
8	FEDERAL FUND est.	7,984,591	8,193,967

9	FEDERAL FUND est.	7,984,591	7,913,967
10	PROGRAM TOTAL	7,984,591	8,193,967
11	PROGRAM TOTAL	7,984,591	7,913,967
12	(19) Child Welfare		
13	FY1999-00		FY2000-01
14	GENERAL FUND	41,206,039	43,379,750
15	FEDERAL FUND est.	444,000	444,000
16	PROGRAM TOTAL	41,650,039	43,823,750
17	(20) Refugee Assistance		
18	FY1999-00		FY2000-01
19	FEDERAL FUND est.	1,192,422	1,192,422
20	PROGRAM TOTAL	1,192,422	1,192,422
21	(21) Family Support Funds		
22	FY1999-00		FY2000-01
23	GENERAL FUND	326,563	326,563
24	PROGRAM TOTAL	326,563	326,563
25	(22) Family Preservation and Support		
26	FY1999-00		FY2000-01
27	FEDERAL FUND est.	3,056,133	3,056,133
1	PROGRAM TOTAL	3,056,133	3,056,133
2	(23) Community Service Block Grant		
3	FY1999-00		FY2000-01
4	FEDERAL FUND est.	3,418,440	3,418,440
5	PROGRAM TOTAL	3,418,440	3,418,440
6	Sec. 3. Original Laws 1999, LB 880, section 103, is		
7	repealed."		
8	2. On page 1, line 1, after the semicolon insert "to		
9	amend Laws 1999, LB 880, section 103;" and in line 3 before the		
10	period insert "; to reduce certain appropriations; and to repeal		
11	the original section".		

LEGISLATIVE BILL 1021. Placed on Select File as amended.

(E & R amendment, AM7267, 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 1223. Placed on Select File as amended.

E & R amendment to LB 1223:

AM7268

1 1. On page 1, line 2, after "section" insert "77-2717,

2 Reissue Revised Statutes of Nebraska, section"; in line 3 strike

3 "to 77-5205" and insert ", 77-5204,".

LEGISLATIVE BILL 1223A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 833A.

(Signed) Adrian M. Smith, Chairperson

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 1223A:
AM3285

- 1 1. On page 2, line 1, strike "\$41,885" and insert
- 2 "\$60,840".

Senator Landis filed the following amendment to LB 932:
AM2867

- 1 1. Insert the following new section:
- 2 "Sec. 25. Section 45-116, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 45-116. (1) Any person may, after procuring a license
- 5 from the Department of Banking and Finance, engage or continue in
- 6 the business of making loans of money, and charge, contract for,
- 7 and receive the maximum for interest and other charges in
- 8 accordance with the authorization and requirements of sections
- 9 45-114 to 45-158.
- 10 (2)(a) A license shall not be required for an affiliate
- 11 of a licensee if the activities of the affiliate in this state are
- 12 limited solely to the securitization of loans made by the licensee
- 13 and the servicing rights to the loans are retained by the licensee
- 14 or assigned or otherwise transferred to a financial institution,
- 15 licensee, or permittee.
- 16 (b) For purposes of this subsection:
- 17 (i) Affiliate means an entity that controls, is
- 18 controlled by, or is under common control with another entity;
- 19 (ii) Control means to own directly or indirectly or to
- 20 control in any manner twenty-five percent of the voting shares of
- 21 an entity or to control in any manner the election of the majority
- 22 of directors of any entity; and
- 23 (iii) Securitization means the placing of individual
- 24 installment loans made by licensees into a commingled or pooled
- 1 security that is subsequently sold or otherwise transferred to
- 2 another entity.
- 3 (c) Nothing in this subsection shall be construed to
- 4 exempt a licensee or affiliate from the provisions of the
- 5 Securities Act of Nebraska."
- 6 2. On page 64, line 5, after "21-1768," insert
- 7 "45-116,".
- 8 3. Renumber the remaining sections accordingly.

Senator Engel filed the following amendment to LB 1115:
AM3059

(Amendments to E & R amendments, AM7246)

- 1 1. Insert the following new sections:
- 2 "Sec. 70. Families who provide foster care for Native

3 American children off-reservation shall receive training annually
4 to enhance their understanding of Native American Culture, values,
5 and the unique status of Native Americans. To the extent possible,
6 the training shall be specific to the child's tribal affiliation.
7 The department on the recommendation of the advisory committee
8 established pursuant to section 71-1906.02 shall develop the
9 necessary training materials and conduct or provide for the conduct
10 of training sessions.

11 Sec. 71. Section 71-1901, Revised Statutes Supplement,
12 1998, is amended to read:

13 71-1901. For purposes of sections 71-1901 to 71-1906.02
14 and section 70 of this act:

15 (1) Person ~~shall include~~ includes a partnership, limited
16 liability company, firm, agency, association, or corporation;

17 (2) Child ~~shall mean~~ means an unemancipated minor;

18 (3) Department ~~shall mean~~ means the Department of Health
19 and Human Services;

20 (4) Foster care ~~shall mean~~ means engaged in the service
21 of exercising twenty-four-hour daily care, supervision, custody, or
22 control over children, for compensation or hire, in lieu of the
23 care or supervision normally exercised by parents in their own

1 home. Foster care shall not include casual care at irregular
2 intervals or programs as defined in section 71-1910; and

3 (5) Native American ~~shall mean~~ means a person who is a
4 member of an Indian tribe or eligible for membership in an Indian
5 tribe.

6 Sec. 72. Section 71-1902, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 71-1902. Except as otherwise provided in this section,
9 no person shall furnish or offer to furnish foster care for two or
10 more children from different families without having in full force
11 and effect a written license issued by the department upon such
12 terms and conditions as may be prescribed by general rules and
13 regulations adopted and promulgated by the department. The
14 department may issue a time-limited, nonrenewable provisional
15 license to an applicant who is unable to comply with all licensure
16 requirements and standards, is making a good faith effort to
17 comply, and is capable of compliance within the time period stated
18 in the license. The department may issue a time-limited,
19 nonrenewable probationary license to a licensee who agrees to
20 establish compliance with rules and regulations that, when
21 violated, do not present an unreasonable risk to the health,
22 safety, or well-being of the foster children in the care of the
23 applicant. No license shall be issued pursuant to this section
24 unless the applicant has completed the required hours of training
25 in foster care as prescribed by the department.

26 All nonprovisional and nonprobationary licenses issued
27 under sections 71-1901 to 71-1906.02 and section 70 of this act
1 shall expire two years from the date of issuance and shall be

2 subject to renewal under the same terms and conditions as the
3 original license, except that if a licensee submits a completed
4 renewal application thirty days or more before the license's
5 expiration date, the license shall remain in effect until the
6 department either renews the license or denies the renewal
7 application. No license issued pursuant to this section shall be
8 renewed unless the licensee has completed the required hours of
9 training in foster care in the preceding twelve months as
10 prescribed by the department. For the issuance or renewal of each
11 nonprovisional and nonprobationary license, the department shall
12 charge a fee of fifty dollars for a group home, fifty dollars for a
13 child-caring agency, and fifty dollars for a child-placing agency.
14 For the issuance of each provisional license and each probationary
15 license, the department shall charge a fee of twenty-five dollars
16 for a group home, twenty-five dollars for a child-caring agency,
17 and twenty-five dollars for a child-placing agency. A license may
18 be revoked for cause, after notice and hearing, in accordance with
19 rules and regulations adopted and promulgated by the department.

20 For purposes of this section:

21 (1) Foster family home ~~shall mean~~ means any home which
22 provides twenty-four-hour care to children who are not related to
23 the foster parent by blood or adoption;

24 (2) Group home ~~shall mean~~ means a home which is operated
25 under the auspices of an organization which is responsible for
26 providing social services, administration, direction, and control
27 for the home and which is designed to provide twenty-four-hour care
1 for children and youth in a residential setting;

2 (3) Child-caring agency ~~shall mean~~ means an organization
3 which is incorporated for the purpose of providing care for
4 children in buildings maintained by the organization for that
5 purpose; and

6 (4) Child-placing agency ~~shall mean~~ means an organization
7 which is authorized by its articles of incorporation and by its
8 license to place children in foster family homes.

9 Sec. 73. Section 71-1903, Revised Statutes Supplement,
10 1998, is amended to read:

11 71-1903. (1) Before issuance of a license under sections
12 71-1901 to 71-1906.02 and section 70 of this act, the department
13 shall cause such investigation to be made as it deems necessary to
14 determine if the character of the applicant, any member of the
15 applicant's household, or the person in charge of the service and
16 the place where the foster care is to be furnished are such as to
17 ensure the proper care and treatment of children. The department
18 may investigate the character of prospective or existing licensees,
19 any member of such licensee's household, and the staff and
20 employees of foster care facilities by making a national criminal
21 history record information check. The department may request the
22 State Fire Marshal to inspect such places for fire safety pursuant
23 to section 81-502. The State Fire Marshal shall assess a fee for

24 such inspection pursuant to section 81-505.01, payable by the
25 licensee or applicant for a license, except that the department may
26 pay the fee for inspection for fire safety of foster family homes
27 as defined in section 71-1902. The department may request the
1 Department of Health and Human Services Regulation and Licensure to
2 conduct sanitation and health standards investigations pursuant to
3 subsection (2) of this section. The Department of Health and Human
4 Services may also, at any time it sees fit, cause an inspection to
5 be made of the place where any licensee is furnishing foster care
6 to see that such service is being properly conducted.
7 (2) The Department of Health and Human Services
8 Regulation and Licensure shall make an investigation and report to
9 the Department of Health and Human Services, within thirty days
10 after receipt of the request from the Department of Health and
11 Human Services, of all facilities and programs of licensed
12 providers of foster care programs subject to this section or
13 applicants for licenses to provide such programs to determine if
14 the place or places to be covered by such licenses meet standards
15 of health and sanitation set by the Department of Health and Human
16 Services for the care and protection of the child or children who
17 may be placed in such facilities and programs. The Department of
18 Health and Human Services Regulation and Licensure may delegate the
19 investigation authority to qualified local environmental health
20 personnel.

21 Sec. 74. Section 71-1904, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-1904. The department shall adopt and promulgate rules
24 and regulations pursuant to sections 71-1901 to 71-1906.02 and
25 section 70 of this act for (1) the proper care and protection of
26 children by licensees under such sections, (2) the issuance,
27 suspension, and revocation of licenses to provide foster care, (3)
1 the issuance, suspension, and revocation of probationary licenses
2 to provide foster care, (4) the issuance, suspension, and
3 revocation of provisional licenses to provide foster care, (5) the
4 provision of training in foster care, which training shall be
5 directly related to the skills necessary to care for children in
6 need of out-of-home care, including, but not limited to, abused,
7 neglected, dependent, and delinquent children, and the training
8 required by section 70 of this act and (6) the proper
9 administration of such sections. The training required by
10 subdivision (5) of this section shall be between twelve and
11 twenty-four hours as determined by the department.

12 Sec. 75. Section 71-1905, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-1905. Any person who violates any of the provisions
15 of sections 71-1901 to 71-1904 and 71-1906 to 71-1906.02 and
16 section 70 of this act shall be deemed guilty of a Class III
17 misdemeanor."

18 2. Renumber the remaining sections, correct internal

19 references, and correct repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 1025. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM2321, found on page 768, was considered.

Senator Suttle renewed her pending amendment, AM2592, found on page 885, to the Standing Committee amendment.

The Suttle amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, 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 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1025A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1116. Title read. Considered.

The Standing Committee amendment, AM2135, found on page 462, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Quandahl renewed his pending amendment, AM2563, found on page 837.

The Quandahl amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

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

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1279. Title read. Considered.

The Standing Committee amendment, AM2389, found on page 659, was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Wickersham withdrew his amendment, AM3215, found on page 1484.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 969. Title read. Considered.

The Standing Committee amendment, AM2053, found on page 375, was considered.

Pending.

LEGISLATIVE BILL 1101. Senator Chambers withdrew his motion, found on page 899, to indefinitely postpone.

Senator Chambers renewed his pending amendment, AM3114, found on page 1388.

The Chambers amendment 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 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1101A. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 659. Senator Lynch renewed the Lynch-Janssen pending amendment, AM3206, printed separately and referred to on page 1475.

Senator Jensen offered the following amendment to the Lynch-Janssen pending amendment:
AM3290

(Amendments to AM3206)

- 1 1. Strike original sections 1, 3 to 30, 34, and 35 and
- 2 insert the following new sections:
- 3 "Sec. 5. Original sections 9-1,101, 83-162.04, and
- 4 83-162.06, Reissue Revised Statutes of Nebraska, and section 9-812,
- 5 Revised Statutes Supplement, 1999, are repealed.
- 6 Sec. 6. Since an emergency exists, this act takes effect
- 7 when passed and approved according to law."
- 8 2. Renumber the remaining sections accordingly.

Senators Brown and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Jensen moved for a call of the house. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Jensen requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baker	Brown	Bruning	Dickey	Dierks
Engel	Hartnett	Hudkins	Jensen	Kremer
Landis	Matzke	Pederson, D.	Price	Quandahl
Raikes	Redfield	Schimek	Tyson	Wehrbein

Voting in the negative, 15:

Aguilar	Bohlke	Bourne	Connealy	Crosby
Hilgert	Janssen	Kiel	Kristensen	Lynch
Robak	Schmitt	Schrock	Thompson	Wickersham

Present and not voting, 12:

Beutler	Brashear	Bromm	Byars	Chambers
Coordsen	Cudaback	Pedersen, Dw.	Preister	Smith
Stuhr	Suttle			

Excused and not voting, 2:

Jones Vrtiska

The Jensen amendment lost with 20 ayes, 15 nays, 12 present and not voting, and 2 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 20 eighth through twelfth grade students and teacher from Eustis-Farnam FFA; 36 fifth grade students and teachers from Milliken Park Elementary School, Fremont; 23 fifth grade students and teacher from Williams Elementary School, Columbus; 20 Y.W.C.A. members from Hastings; Senator Dw. Pedersen's wife, daughter, son-in-law, and granddaughter, Priscilla Pedersen and Megan, Michael, and Chaley Nelson, from Elkhorn; and 55 fourth grade students and teachers from St. Cecilia, Omaha.

RECESS

At 12:01 p.m., on a motion by Senator 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 Senators Bohlke, Bromm, Chambers, Cudaback, Dierks, Kiel, Lynch, Price, Robak, and Schrock who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 1004:
AM3253

(Amendments to AM3018)

1 1. On page 7, line 6; and page 16, line 8, after the
2 period insert "The prosecutor shall present as evidence for
3 purposes of sentence enhancement under this section an
4 authenticated copy of a prior conviction in another state. The
5 authenticated copy shall be prima facie evidence of such prior
6 conviction.".

Senator Wickersham filed the following amendment to LB 1279:
AM3301

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 77-3508, Revised Statutes
 4 Supplement, 1999, is amended to read:
 5 77-3508. (1) All homesteads in this state shall be
 6 assessed for taxation the same as other property, except that there
 7 shall be exempt from taxation, on any homestead of (a) veterans as
 8 defined in section 80-401.01 who are totally disabled by a
 9 non-service-connected accident or illness, (b) individuals who have
 10 a permanent physical disability ~~or who~~ and have lost all mobility
 11 such as to preclude locomotion without the regular use of a
 12 mechanical aid or prostheses, and (c) individuals who have
 13 undergone amputation of both arms above the elbow or who have a
 14 permanent partial disability of both arms in excess of seventy-five
 15 percent, a percentage of the exempt amount as limited by section
 16 77-3506.03. The exemption shall be based on the household income
 17 of a claimant pursuant to subsections (2) through (4) of this
 18 section. Application for such exemption shall include
 19 certification from a qualified medical physician for subdivisions
 20 (1)(a) through (c) of this section or certification from the United
 21 States Department of Veterans Affairs affirming that the homeowner
 22 is totally disabled due to non-service-connected accident or
 23 illness for subdivision (1)(a) of this section. Such certification
 24 from a qualified medical physician shall be made on forms
 1 prescribed by the Department of Revenue.

2 (2) For 2000, for a married or closely related claimant
 3 as described in subsection (1) of this section, the percentage of
 4 the exempt amount for which the claimant shall be eligible shall be
 5 the percentage in Column B which corresponds with the claimant's
 6 household income in Column A in the table found in this subsection.

7	Column A	Column B
8	Household Income	Percentage
9	In Dollars	Of Relief
10	0 through 24,700	100
11	24,701 through 25,900	85
12	25,901 through 27,100	70
13	27,101 through 28,300	55
14	28,301 through 29,500	40
15	29,501 through 30,700	25
16	30,701 and over	0

17 (3) For 2000, for a single claimant as described in
 18 subsection (1) of this section, the percentage of the exempt amount
 19 for which the claimant shall be eligible shall be the percentage in
 20 Column B which corresponds with the claimant's household income in
 21 Column A in the table found in this subsection.

22	Column A	Column B
23	Household Income	Percentage
24	In Dollars	Of Relief
25	0 through 21,600	100

26	21,601 through 22,600	85
27	22,601 through 23,600	70
1	23,601 through 24,600	55
2	24,601 through 25,600	40
3	25,601 through 26,600	25
4	26,601 and over	0

5 (4) For exemption applications filed in calendar year
6 2001 and each year thereafter, the income eligibility amounts in
7 subsections (2) and (3) of this section shall be adjusted for
8 inflation by the method provided in section 151 of the Internal
9 Revenue Code. The income eligibility amounts shall be adjusted for
10 cumulative inflation since 2000. If any amount is not a multiple
11 of one hundred dollars, the amount shall be rounded to the next
12 lower multiple of one hundred dollars.

13 Sec. 2. This act becomes operative on January 1, 2000.
14 Sec. 3. Original section 77-3508, Revised Statutes
15 Supplement, 1999, is repealed."

RESOLUTION

LEGISLATIVE RESOLUTION 495. Introduced by Wehrbein, 2; Matzke, 47; D. Pederson, 42; Crosby, 29; Kiel, 9.

WHEREAS, in accordance with section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education plans for the following projects:

(1) A minimum twelve hundred stall multilevel parking structure on the University of Nebraska-Lincoln city campus at 17th & R Streets, containing approximately 17,000 gross square feet of shell space for university functions at an estimated cost of \$17,737,000 to be funded from the proceeds of revenue bonds issued by the board;

(2) An addition to and renovation of the existing Nebraskan Student Union at the University of Nebraska at Kearney, at an estimated cost of \$6,300,000 to be funded from the proceeds of revenue bonds issued by the board; and

(3) Improvement of utilities at the University of Nebraska at Kearney, including the installation of steam and chilled water lines for use by revenue bond facilities at an estimated cost of \$732,600 to be funded from the Surplus Fund of the University of Nebraska at Kearney student fees and facilities revenue bonds issued by the board; and

WHEREAS, the Coordinating Commission for Postsecondary Education has approved approval of the projects by the Legislature; and

WHEREAS, the board has submitted the projects to the Legislature for its approval in accordance with sections 85-404 and 85-408.

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

1. That pursuant to sections 85-404 and 85-408 plans for the construction of (a) a minimum twelve hundred stall multilevel parking structure on the University of Nebraska-Lincoln city campus at 17th & R Streets, containing

approximately 17,000 gross square feet of shell space for university functions at an estimated cost of \$17,737,000 to be funded from the proceeds of revenue bonds issued by the board; (b) an addition to and renovation of the existing Nebraskan Student Union at the University of Nebraska at Kearney, at an estimated cost of \$6,300,000 to be funded from the proceeds of revenue bonds issued by the board; and (c) improvement of utilities at the University of Nebraska at Kearney, including the installation of steam and chilled water lines for use by revenue bond facilities at an estimated cost of \$732,600 to be funded from the Surplus Fund of the University of Nebraska at Kearney student fees and facilities revenue bonds issued by the board are approved.

2. The revenue bonds of the board may be issued in an amount sufficient to pay the costs of the projects plus any amounts required to pay the interest of such bonds during the period of construction, to fund any necessary reserves, and to pay the costs of the issuance of such bonds.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 972. The Standing Committee amendment, AM2558, found on page 982 and considered on page 1557, was renewed.

The Bourne pending amendment, AM2699, found on page 1057 and considered on page 1557, to the Standing Committee amendment, was renewed.

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

Senator Chambers moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Hilgert requested a roll call vote on the Bourne amendment.

Voting in the affirmative, 29:

Aguilar	Baker	Bohlke	Bourne	Bromm
Bruning	Byars	Chambers	Connealy	Coordsen
Crosby	Dickey	Dierks	Hilgert	Hudkins
Jones	Kremer	Lynch	Price	Robak
Schimek	Schmitt	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wickersham	

Voting in the negative, 14:

Beutler	Brashear	Brown	Engel	Janssen
Jensen	Kristensen	Landis	Matzke	Pedersen, Dw.

Pederson, D. Raikes Redfield Schrock

Present and not voting, 4:

Hartnett Preister Quandahl Wehrbein

Excused and not voting, 2:

Cudaback Kiel

The Bourne amendment was adopted with 29 ayes, 14 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Kristensen renewed his pending amendment, AM3268, found on page 1557, to the Standing Committee amendment.

The Kristensen amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

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

AM3312

(Amendments to AM3268)

- 1 1. On page 1, strike line 5 and insert "through 'and' in
- 2 line 19."

The Brashear amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Wickersham offered the following amendment:

AM3320

- 1 1. Insert the following new section:
- 2 "Sec. 5. Any advertising or promotional materials
- 3 relating to the State Disbursement Unit may include references to a
- 4 public office but shall not refer to an officeholder by name."
- 5 2. Correct the operative date so that the section added
- 6 by this amendment becomes operative on its effective date with the
- 7 emergency clause.
- 8 3. Renumber the remaining sections and correct internal
- 9 references accordingly.

The Wickersham amendment was adopted with 25 ayes, 12 nays, 11 present and not voting, and 1 excused and not voting.

Senator Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Brashear offered the following amendment:
AM3315

- 1 1. Strike original section 34.
- 2 2. Renumber the remaining section and correct internal
- 3 references accordingly.

The Brashear amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 34 ayes, 3 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 972A. Title read. Considered.

Senator Kristensen renewed his pending amendment, AM3275, found on page 1557.

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Kristensen withdrew his amendment.

Senator Brown renewed her pending amendment, AM3120, found on page 1558.

The Brown amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Kristensen reoffered his amendment, AM3275, found on page 1557 and considered in this day's Journal.

The Kristensen amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 1410A:
AM3306

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated (1) \$31,000 from
- 3 the State Park Cash Revolving Fund for FY2000-01 and (2) \$21,000
- 4 from the State Park Cash Revolving Fund for FY2001-02 to the Game
- 5 and Parks Commission, for Program 549, to aid in carrying out the

6 provisions of Legislative Bill 1410, Ninety-sixth Legislature,
7 Second Session, 2000.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section."

11 2. Renumber the remaining section accordingly.

Senator Wehrbein filed the following amendment to LB 1381A:
AM3307

1 1. Insert the following new sections:

2 "Sec. 3. There is hereby appropriated (1) \$31,000 from
3 the State Park Cash Revolving Fund for FY2000-01 and (2) \$21,000
4 from the State Park Cash Revolving Fund for FY2001-02 to the Game
5 and Parks Commission, for Program 549, to aid in carrying out the
6 provisions of Legislative Bill 1381, Ninety-sixth Legislature,
7 Second Session, 2000.

8 No expenditures for permanent and temporary salaries and
9 per diems for state employees shall be made from funds appropriated
10 in this section.

11 Sec. 5. Since an emergency exists, this act takes effect
12 when passed and approved according to law."

13 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Members Excused

Senators Landis and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1330. Title read. Considered.

The Standing Committee amendment, AM2759, found on page 1026, was considered.

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

SENATOR CUDABACK PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Raikes withdrew his amendment, AM3127, found on page 1537.

Senator Chambers renewed his pending amendment, FA371, found on page

1547.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment lost with 2 ayes, 32 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senators Beutler and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers renewed his pending amendment, FA372, found on page 1547.

The Chambers amendment lost with 0 ayes, 8 nays, 33 present and not voting, and 8 excused and not voting.

Senator Chambers moved to reconsider the vote on the Chambers amendment, FA372.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Chambers renewed his pending motion, found on page 1547, to indefinitely postpone.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 496. Introduced by Lynch, 13.

WHEREAS, the first Workers Memorial Day was observed in 1989; and
WHEREAS, the Nebraska Legislature passed LB 199 in 1991, commemorating Workers Memorial Day; and

WHEREAS, April 28, 2000, 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.

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

1. That April 28, 2000, 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.

AMENDMENT - Print in Journal

Senator Hilgert filed the following amendment to LB 925:
AM3309

(Amendments to E & R amendments, AM7265)

- 1 1. Strike section 3.
- 2 2. On page 5, line 2, after the period insert "Adult
- 3 members of recipient families whose youngest child is under the age
- 4 of twelve weeks shall not be required to engage in activities such
- 5 as family nurturing, preemployment skills, or education required
- 6 under this subsection."; and in lines 8, 9, and 13 strike the new
- 7 matter and reinstate the stricken matter.
- 8 3. On page 17, line 16, strike "sections" through
- 9 "68-1724" and insert "section 68-1723".
- 10 4. Renumber the remaining sections and correct internal
- 11 references accordingly.

SELECT FILE

LEGISLATIVE BILL 1010. Senator Kristensen renewed his pending amendment, AM3231, found on page 1533 and considered on page 1538.

Senator 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.

Senator Kristensen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler	Bohlke	Bourne	Brown	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dierks	Hartnett	Hilgert	Kristensen	Landis
Pedersen, Dw.	Pederson, D.	Preister	Robak	Schimek
Schrock	Suttle	Thompson		

Voting in the negative, 19:

Aguilar	Baker	Bromm	Dickey	Engel
Hudkins	Janssen	Jones	Kremer	Matzke
Quandahl	Raikes	Redfield	Schmitt	Smith
Stuhr	Tyson	Wehrbein	Wickersham	

Present and not voting, 4:

Brashear	Jensen	Price	Vrtiska
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Excused and not voting, 3:

Bruning	Kiel	Lynch
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The Kristensen amendment lost with 23 ayes, 19 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Baker moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Baker requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Baker	Bourne	Bromm	Byars
Coordsen	Dickey	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Matzke
Quandahl	Raikes	Redfield	Schmitt	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 15:

Beutler	Chambers	Connealy	Crosby	Dierks
Hartnett	Kristensen	Landis	Pedersen, Dw.	Pederson, D.
Preister	Robak	Schimek	Suttle	Thompson

Present and not voting, 6:

Bohlke	Brashear	Brown	Cudaback	Price
Schrock				

Excused and not voting, 3:

Bruning	Kiel	Lynch
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Advanced to E & R for engrossment with 25 ayes, 15 nays, 6 present and

not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1003. E & R amendment, AM7252, printed separately and referred to on page 1487, was adopted.

Senator D. Pederson asked unanimous consent to replace the D. Pederson-Schrock pending amendment, AM3252, found on page 1537, with a substitute amendment. No objections. So ordered.

Senator D. Pederson withdrew the D. Pederson-Schrock amendment, AM3252, found on page 1537.

Senator D. Pederson and Schrock offered the following substitute amendment:

AM3326

(Amendments to E & R amendments, AM7252)

- 1 1. On page 2, lines 22 and 23; and page 3, lines 1 and
- 2 2, strike "481 of the federal Higher Education Act of 1965, 20
- 3 U.S.C. 1088," and insert "529 of the Internal Revenue Code".
- 4 2. On page 7, line 14, strike "seventeenth" and insert
- 5 "eighteenth"; and in line 18 strike "twenty-second" and insert
- 6 "thirtieth".
- 7 3. On page 8, line 20, after the period insert "The
- 8 State Treasurer and Accounting Administrator of the Department of
- 9 Administrative Services shall determine the state fund types
- 10 necessary to comply with section 529 of the Internal Revenue Code
- 11 and state policy.".
- 12 4. On page 10, line 10, after "participant" insert "or
- 13 the fair market value of the participant's account, whichever is
- 14 less"; and in line 12 after "account" insert "which exceeds the
- 15 principal amount of all contributions made by the participant".
- 16 5. On page 19, line 23, strike "two thousand dollars per
- 17 beneficiary" and insert "five hundred dollars per married filing
- 18 separate return or one thousand dollars for any other return.".

SENATOR COORDSEN PRESIDING

Senator Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

The D. Pederson-Schrock amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:

AM3269

(Amendments to E & R amendments, AM7252)

- 1 1. On page 1, line 23, after "may" insert "not"; and in

2 line 24 strike "among other sources" and insert "but may receive
3 gifts, grants, and donations from private parties".

4 2. On page 5, line 11, strike "endowment fund"; and
5 strike beginning with "other" in line 23 through "agency" in line
6 25 and insert "donations from private parties".

7 3. Strike beginning with "The" on page 8, line 27,
8 through the period on page 9, line 1.

9 4. On page 9, line 6, strike "made" through "person".

The Beutler amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1003A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1067. E & R amendment, AM7250, found on page 1487, was adopted.

Senator Wickersham renewed his pending amendment, AM3205, printed separately and referred to on page 1498.

The Wickersham 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 1167. E & R amendment, AM7264, printed separately and referred to on page 1487, was adopted.

Senator Wickersham renewed his pending amendment, AM3249, found on page 1516.

Senator Bourne asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1167A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1234. E & R amendment, AM7251, found on page 1487, was adopted.

Senator Schrock withdrew his amendments, AM3223, AM3196, and AM3271, found on pages 1505, 1509, and 1548.

Senator Beutler withdrew the Beutler-Shrock amendment, AM3263, found on page 1544.

Senator Brown offered the following amendment:
AM3313

(Amendments to E & R amendments, AM7251)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 66-1214, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-1214. (1) Commencing January 1, 1986, motor fuel
- 5 dispensers shall be labeled on both faces with the product identity
- 6 using the most descriptive terms commercially practicable. In
- 7 addition, all alcohol-blended fuel dispensers shall have a label
- 8 stating: With or containing ethanol, methanol, or ethanol and
- 9 methanol or with similar wording if the motor fuel being dispensed
- 10 contains one percent or more by volume of alcohol.
- 11 (2) Commencing March 1, 2001, motor fuel dispensers
- 12 dispensing fuels with or containing aromatic hydrocarbons shall
- 13 have a label stating: With or containing aromatic hydrocarbons or
- 14 with similar wording. For purposes of this subsection:
- 15 (a) Aromatic hydrocarbons include, but are not limited
- 16 to, benzene, xylene, and toluene; and
- 17 (b) With or containing aromatic hydrocarbons means that
- 18 the motor fuel being dispensed contains twenty-five percent or more
- 19 by volume of aromatic hydrocarbons.
- 20 (3) Any person who owns or controls such a motor fuel
- 21 dispenser and does not attach the notice required by this section
- 22 shall be guilty of an infraction.
- 23 Sec. 7. Original section 66-1214, Reissue Revised
- 1 Statutes of Nebraska, is repealed."
- 2 2. Insert underscoring in sections 1 to 5 of this act.

SENATOR CUDABACK PRESIDING

Senator Brown withdrew her amendment.

Senator Schrock moved to suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM3324 to LB 1234.

The Schrock motion to suspend the rules prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Schrock offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3324)

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to the Schrock

pending amendment:

FA393

Amend AM3324

Pg. 3, line 26 after "reject" insert or "adopt"

The Wickersham amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

The Schrock amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Robak reoffered the Robak-Schmitt amendment, AM3150, found on page 1457.

Senator Robak withdrew her amendment.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1234A. Senator Schrock withdrew his amendment, AM3274, found on page 1556.

Senator Schrock offered the following amendment:

AM3329

1 1. Insert the following new sections:

2 "Sec. 2. Laws 1999, LB 880, section 134, is amended to

3 read:

4 Sec. 134. AGENCY NO. 33 -- GAME AND PARKS COMMISSION

5 Program No. 338 - Niobrara Scenic River Local Management

6 Council

	FY1999-00	FY2000-01
7		
8 GENERAL FUND	50,000	25,000
9 GENERAL FUND	50,000	-0-
10 PROGRAM TOTAL	50,000	25,000
11 PROGRAM TOTAL	50,000	-0-

12 There is included in the appropriation to this program
 13 for FY1999-00 \$50,000 General Funds for state aid, which shall only
 14 be used for such purpose. There is included in the appropriation
 15 to this program for FY2000-01 ~~\$25,000~~ \$-0- General Funds for state
 16 aid, which shall only be used for such purpose.

17 Sec. 3. There is hereby appropriated (1) \$25,000 from
 18 the General Fund for FY2000-01 and (2) \$25,000 from the General
 19 Fund for FY2001-02 to the Game and Parks Commission, for Program
 20 338, to aid in carrying out the provisions of Legislative Bill
 21 1234, Ninety-sixth Legislature, Second Session, 2000.

22 Sec. 4. There is hereby appropriated (1) \$500,000 from
 23 the Construction Administration Fund for FY2000-01 and (2) \$500,000

- 24 from the Construction Administration Fund for FY2001-02 to the
 1 Department of Environmental Quality, for Program 523, to aid in
 2 carrying out the provisions of Legislative Bill 1234, Ninety-sixth
 3 Legislature, Second Session, 2000.
 4 No expenditures for permanent and temporary salaries and
 5 per diems for state employees shall be made from funds appropriated
 6 in this section.
 7 There is included in the appropriation to this program
 8 for FY2000-01 \$500,000 Cash Funds for state aid, which shall only
 9 be used for such purpose. There is included in the appropriation
 10 to this program for FY2001-02 \$500,000 Cash Funds for state aid,
 11 which shall only be used for such purpose.
 12 Sec. 5. Original Laws 1999, LB 880, section 134, is
 13 repealed."
 14 2. Insert underscoring to section 1.

The Schrock amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senators Bohlke, Kremer, Coordsen, and Vrtiska filed the following amendment to LB 1213:

(Amendment, AM3318, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Landis filed the following amendment to LB 925:

(Amendment, AM3330, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Bromm filed the following amendment to LB 26:
 AM3255

(Amendments to E & R amendments, AM7254)

- 1 1. On page 1, strike beginning with "and" in line 14
- 2 through "served" in line 16.

UNANIMOUS CONSENT - Add Cointroducer

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 925. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 members of the Humbolt/Table Rock/Steinhauer Cardinals basketball team and coaches; 48 fifth grade students and teachers from Central City Elementary School; 37 fourth grade students from Sandoz Elementary School, Lexington; and Sophie Eden and

Emma Dougan from England and Mildred Fossler from Beatrice.

The Doctor of the Day was Dr. Patrick Hanna from Lincoln.

ADJOURNMENT

At 8:11 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 6, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 6, 2000

PRAYER

The prayer was offered by Pastor David Larsen, Resurrection Lutheran Church, Gretna, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Aguilar, Baker, Beutler, Bohlke, Bromm, Brown, Byars, Chambers, Dickey, Jones, Kiel, Kristensen, Landis, Dw. Pedersen, Raikes, Robak, Tyson, and Wickersham 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 5, 2000, 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

Kennedy, Christopher R. - Omaha; Nebraska Credit Union League, Inc.
(Withdrawn 03/30/2000)
Scherling, Mary Jane - Lincoln; Nebraska Nurses Association (Withdrawn
04/05/2000)

SELECT FILE

LEGISLATIVE BILL 1200. E & R amendment, AM7253, found on page 1490, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1221. E & R amendment, AM7256, found on page 1490, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 901. E & R amendment, AM7257, printed separately and referred to on page 1490, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 901A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008. E & R amendment, AM7263, found on page 1490, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1008A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086. E & R amendment, AM7262, found on page 1491, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 495. E & R amendment, AM7259, found on page 1491, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 495A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 349. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1304. E & R amendment, AM7258, found on page 1491, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1251. Advanced to E & R for engrossment.

LEGISLATIVE BILL 956. Advanced to E & R for engrossment.

MOTION - Return LB 1004 to Select File

Senator Bromm moved to return LB 1004 to Select File for the Bromm-Engel specific amendment, AM3018, printed separately and referred to on page 1254.

The Bromm motion to return prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1004. The Bromm-Engel specific amendment, AM3018, printed separately and referred to on page 1254, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1004 to Select File

Senator Kristensen moved to return LB 1004 to Select File for his specific amendment, AM3253, found on page 1604.

The Kristensen motion to return prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1004. The Kristensen specific amendment, AM3253, found on page 1604, was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1401 to Select File

Senator Beutler moved to return LB 1401 to Select File for his specific amendment, AM3272, found on page 1559.

SENATOR CUDABACK PRESIDING

Senator Beutler withdrew his motion to return.

MOTION - Return LR 6CA to Select File

Senator Kristensen moved to return LR 6CA to Select File for his specific amendment, AM3207, found on page 1475.

The Kristensen motion to return prevailed with 40 ayes, 0 nays, and 9 present and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. The Kristensen specific amendment, AM3207, found on page 1475, was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to E & R for reengrossment.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 1021:
AM3287

(Amendments to E & R amendments, AM7267)

- 1 1. On page 6, strike lines 4 through 27 and insert
- 2 "(4) An admission or a set of admissions to a series or
- 3 season for the recipient and one guest to a state-owned facility or
- 4 a state-regulated industry or event may be given by any sponsoring
- 5 agency, political subdivision, or publicly funded postsecondary
- 6 educational institution and accepted regardless of value.
- 7 (5) For purposes of this section, a gift of an admission
- 8 to a single state-owned facility or a single state-regulated
- 9 industry or event shall be considered as given in the month in
- 10 which the admission is to be used and a gift of a set of admissions
- 11 to a series or season of state-regulated events shall be considered
- 12 as given in the month in which the set of admissions is given.
- 13 (6) Any person who knowingly and intentionally violates
- 14 this section shall be guilty of a Class III misdemeanor.
- 15 Sec. 4. (1) Any agency, political subdivision, or
- 16 publicly funded postsecondary educational institution which gives a
- 17 gift of an admission to a facility or event to a public official, a
- 18 member of a public official's staff, or a member of the immediate
- 19 family of a public official shall report the gift on a form
- 20 prescribed by the commission, except that a gift of an admission to
- 21 a facility or event given to a public official for the official and
- 22 one guest need not be reported under this section if the gift is
- 23 given by a sponsoring agency or publicly funded postsecondary
- 1 educational institution to a public official who is an official or
- 2 member of the governing body of the agency or institution.
- 3 (2) For purposes of this section, public official does
- 4 not include an elected or appointed official of a political
- 5 subdivision or school board.
- 6 (3) The report shall be filed with the Clerk of the
- 7 Legislature within fifteen days after the end of the calendar
- 8 quarter in which the gift is given. The report shall include the
- 9 following:
- 10 (a) The identity of the agency, political subdivision, or
- 11 publicly funded postsecondary educational institution;
- 12 (b) A description of the gift;
- 13 (c) The value of the gift; and

- 14 (d) The name of the recipient of the gift and the
 15 following:
 16 (i) If the recipient is a public official, the office
 17 held by the official and the branch of state government he or she
 18 serves;
 19 (ii) If the recipient is a member of a public official's
 20 staff, his or her job title and the name of the official; or
 21 (iii) If the recipient is a member of the immediate
 22 family of a public official, his or her relationship to the
 23 official and the name of the official.
 24 (4) Any person who knowingly and intentionally violates
 25 this section shall be guilty of a Class III misdemeanor."
 26 2. On page 7, strike lines 1 through 13.

Senator Brashear filed the following amendment to LB 1021:
 AM3319

(Amendments to E & R amendments, AM7267)

- 1 1. Insert the following new section:
 2 "Sec. 2. Section 49-1423, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 49-1423. ~~With the exception of sections 49-1480 to~~
 5 ~~49-1492, gift as used in sections 49-1401 to 49-1413~~ Gift shall
 6 mean a payment, subscription, advance, forbearance, rendering, or
 7 deposit of money, services, or anything of value, unless
 8 consideration of equal or greater value is given therefor. Gift
 9 shall not include a campaign contribution otherwise reported as
 10 required by law, a commercially reasonable loan made in the
 11 ordinary course of business, or a gift received from a member of
 12 the individual's immediate family, or from a relative, or from the
 13 spouse of any such relative, a breakfast, luncheon, dinner, or
 14 other refreshments consisting of food and beverage provided for
 15 immediate consumption, or the occasional provision of
 16 transportation within the State of Nebraska to an officeholder."
 17 2. On page 5, strike beginning with "(3)" in line 11
 18 through "(e)" in line 27 and show the old matter as stricken.
 19 3. On page 6, strike lines 2 and 3 and show the old
 20 matter as stricken; in line 4 strike "(4)" and insert "(3)"; and in
 21 line 8 strike "(5)" and insert "(4)".
 22 4. On page 9, strike beginning with the period in line 9
 23 through the semicolon in line 10, show the old matter as stricken,
 1 and insert an underscored semicolon.
 2 5. Renumber the remaining sections and correct internal
 3 references and repealer accordingly.

REPORTS

The following reports were received by the Legislature:

Labor, Department of

State Labor Area Summaries

Legislative Program Evaluation Committee

Bureau of Animal Industry: An Evaluation of the State Veterinarian's Office Final Committee Report

MOTION - Return LB 171 to Select File

Senator Wickersham moved to return LB 171 to Select File for the following specific amendment:

FA370

Strike the enacting clause.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham withdrew his motion to return.

WITHDRAW - Amendment to LB 171

Senator Coordsen withdrew his amendment, AM3270, found on page 1552, to LB 171.

MOTION - Return LB 171 to Select File

Senator Kristensen moved to return LB 171 to Select File for the following specific amendment:

FA396

Strike the enacting clause.

Senator Kristensen withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1998; to provide for a refund of sales and use taxes paid by television stations on digital broadcasting machinery and equipment as prescribed; to harmonize provisions; and to repeal the original section.

Senator 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?' "

Voting in the affirmative, 25:

Aguilar	Beutler	Bohlke	Brashear	Brown
Bruning	Byars	Coordsen	Crosby	Cudaback
Hartnett	Hudkins	Jones	Kiel	Kristensen
Lynch	Pedersen, Dw.	Pederson, D.	Quandahl	Schimek
Schmitt	Schrock	Smith	Stuhr	Tyson

Voting in the negative, 21:

Baker	Bourne	Bromm	Chambers	Connealy
Dickey	Hilgert	Janssen	Jensen	Kremer
Landis	Matzke	Price	Raikes	Redfield
Robak	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 2:

Engel	Preister
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Excused and not voting, 1:

Dierks

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

PRESIDENT MAURSTAD PRESIDING

LEGISLATIVE BILL 973.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101, 53-123.12, 53-124.11, 53-130, 53-138.01, and 53-192, Reissue Revised Statutes of Nebraska, and sections 53-131 and 53-1,104, Revised Statutes Supplement, 1999; to provide for the taxation of alcoholic liquor transported into this state as prescribed; to change state registration fees and special designated license provisions; to change provisions relating to the transportation of alcoholic liquor into this state; to provide penalties as prescribed; 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, 46:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback

Dickey	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Robak
Schimiek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Redfield

Present and not voting, 1:

Preister

Excused and not voting, 1:

Dierks

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

LEGISLATIVE BILL 973A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 973, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Robak	Schimiek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Redfield

Excused and not voting, 1:

Dierks

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 1119 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 1119.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3,153, 44-2909, 48-146.01, and 48-446, Reissue Revised Statutes of Nebraska, and sections 44-522 and 48-151, Revised Statutes Supplement, 1999; to adopt the Property and Casualty Insurance Rate and Form Act; to change provisions relating to workers' compensation insurance procurement; to eliminate the Property and Casualty Insurance Data Reporting Act and the Property and Casualty Insurance Rate and Form Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 44-4601 to 44-4607, 44-5001 to 44-5019, and 44-5021 to 44-5039, Reissue Revised Statutes of Nebraska, and section 44-5020, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Dierks

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 812.

A BILL FOR AN ACT relating to schools; to amend sections 79-757 and 79-760, Revised Statutes Supplement, 1998; to provide for academic content standards and assessment and reporting of student learning; 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, 39:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Coordsen	Crosby	Engel	Hilgert	Hudkins
Janssen	Jensen	Kiel	Kremer	Kristensen
Landis	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Tyson

Present and not voting, 8:

Chambers	Connealy	Cudaback	Dickey	Hartnett
Jones	Lynch	Schmitt		

Excused and not voting, 1:

Dierks

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

LEGISLATIVE BILL 812A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 812, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 38:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Dierks	Engel	Hilgert
Hudkins	Janssen	Jensen	Kiel	Kremer
Kristensen	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 1:

Tyson

Present and not voting, 10:

Chambers	Crosby	Cudaback	Dickey	Hartnett
Jones	Landis	Lynch	Schmitt	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 936 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 936.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Rural Economic Opportunities 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, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars

Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 5:

Chambers	Kiel	Raikes	Suttle	Thompson
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Not voting, 0.

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 936A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 936, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 5:

Chambers	Kiel	Raikes	Suttle	Thompson
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Not voting, 0.

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 1401 with 42 ayes, 2 nays, and 5 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1401.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-234, 79-237, 79-240, 79-4,101, 79-573, 79-583, 79-817, 79-1092, 85-1641, 85-1642, and 85-1657, Reissue Revised Statutes of Nebraska, sections 79-214, 79-238, 79-1008.02, 79-1032, 79-1125, and 79-1162, Revised Statutes Supplement, 1998, and sections 13-511, 79-442, 79-458, 79-528, 79-1003, 79-1008.01, 79-1009, 79-1015.01, 79-1028, 79-1035, 79-1072.01 to 79-1072.03, 79-10,124, 79-1142, and 79-1155, Revised Statutes Supplement, 1999; to change notice requirements relating to budget hearings; to change provisions relating to school entrance document requirements, the enrollment option program, reorganization plan hearings, boundary changes, report filing dates, warrants, employment contracts, expenditure limitations, state aid, school funds, temporary mitigation funds, the Hardship Fund, certain site and building funds, special education, and private postsecondary career schools; to change and eliminate provisions relating to the School Finance Review Committee; to eliminate provisions relating to reserve teachers, the nonresident high school tuition fund, and Class V school tax provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-4,107, 79-8,102 to 79-8,105, and 79-1082, Reissue Revised Statutes of Nebraska, section 79-759, Revised Statutes Supplement, 1998, and section 79-1076, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Schrock

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 1401A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1401, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 3:

Crosby	Lynch	Schrock
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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: LBs 171, 973, 973A, 1119, 812, 812A, 936, 936A, 1401, and 1401A.

SELECT FILE

LEGISLATIVE BILL 825. E & R amendment, AM7261, found on page 1495, was adopted.

Senator Price renewed her pending amendment, AM3238, found on page 1544.

The Price amendment was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 825A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 26. E & R amendment, AM7254, found on page 1493, was adopted.

Senator Bromm renewed his pending amendment, AM3255, found on page 1618.

Senators Tyson and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm 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 26A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 932. E & R amendment, AM7260, found on page 1490, was adopted.

Senator Landis renewed his pending amendment, AM3130, printed separately and referred to on page 1404.

Senator Beutler offered the following amendment to the Landis pending amendment:

FA397

Amend AM3130

On line 25, page 26 insert before "the" the word "only"

At the end of line 27, page 26 add "the qualified trustee shall accept no security which is not listed in subsection 10 of section 77-2387."

On page 29, line 13 add at the end of the sentence: "The report shall clearly notify the custodial trustee if the value of the securities deposited does not meet the statutory requirement."

The Beutler amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Senator Beutler offered the following amendment to the Landis pending amendment:

FA399

Amend FA397

Pg. 29 strike the word "trustee" and insert the word "official"

The Beutler amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Landis amendment, as amended, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Landis renewed his pending amendment, AM2867, found on page 1597.

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.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 819. Placed on Select File as amended.

E & R amendment to LB 819:

AM7269

- 1 1. In the Standing Committee amendments, AM3133:
- 2 a. On page 11, line 7, strike the second comma;
- 3 b. On page 13, line 4, strike "facility or service" and
- 4 insert "health clinic";
- 5 c. On page 16, line 6, after "or" insert "health care";
- 6 d. On page 23, line 17, after "refusal" insert "to
- 7 renew";
- 8 e. On page 24, line 4, after the comma insert "an
- 9 applicant or"; in line 5 strike "(1) the licensee" and insert "the
- 10 applicant or licensee (1)"; in lines 8 and 9 strike "the licensee";
- 11 in lines 15, 21, 23, 24, 26, and 27 before "licensee" insert
- 12 "applicant or"; and in line 21 before "licensee's" insert
- 13 "applicant's or";
- 14 f. On page 27, line 13, after "facilities" insert "and
- 15 skilled nursing facilities";
- 16 g. On page 31, line 4, after "hospice" insert an
- 17 underscored semicolon and strike "agency; and show as stricken";
- 18 h. On page 45, line 19, strike "17" and insert "16"; and
- 19 i. On page 155, line 18, strike "71-20,118".
- 20 2. On page 1, strike lines 2 through 17 and insert
- 21 "20-162, 30-3402, 37-1254.06, 44-526, 44-771, 44-772, 44-782,
- 22 44-2806, 44-2827.01, 60-4,164.01, 60-6,201, 60-6,202, 60-6,204,
- 23 68-1019.02, 68-1202, 69-2507, 71-1,147.15, 71-2049, 71-2079,
- 24 71-2084, 71-20,112, 71-3608, 71-3613, 71-5033, 71-6012, 71-6016,
- 25 1 71-6021, 71-6023, 71-6037, 71-6044, 71-6049, 71-6051, 71-6052,
- 26 2 71-6615, 71-6826, 71-7702, 76-1304, 77-2702.14, 77-2702.15,

3 77-2704.12, 77-3504, 81-604.01, 81-2210, 81-2243, 81-3201, and
 4 83-392, Reissue Revised Statutes of Nebraska, sections 28-326,
 5 68-1038, 71-168.02, 71-1,147.08, 71-1,147.35, 71-1,341, 71-511,
 6 71-533, 71-1637, 71-2048.01, 71-2097, 71-20,103, 71-20,115,
 7 71-20,116, 71-2411, 71-5803.01, 71-5803.02, 71-5803.05, 71-5803.08
 8 to 71-5803.11, 71-5803.13, 71-5803.15, 71-5869, 71-6043, 71-6050,
 9 71-6602, 71-6721, 71-6725, 71-6735, 71-7102, 71-7901, 71-8219, and
 10 81-651, Revised Statutes Supplement, 1998, and sections 28-414,
 11 44-793, 68-1006.01, 71-185.01, 71-1,103, 71-1,142, 71-1,147.09,
 12 71-1,147.10, 71-1,200, 71-507, 71-2601, 71-51,102, 71-6053,
 13 71-7613, 71-8507, and 81-502, Revised Statutes Supplement, 1999; to
 14 adopt the Health Care Facility Licensure Act; to change and
 15 eliminate provisions relating to licensing and regulating health
 16 care facilities and services; to harmonize provisions; to provide
 17 operative dates; to repeal the original sections; and to outright
 18 repeal sections 71-1,147.01, 71-1,147.04 to 71-1,147.07,
 19 71-1,147.12, 71-2017.03, 71-2017.04, 71-2017.06, 71-2018, 71-2020,
 20 71-2021, 71-2021.02, 71-2022, 71-2023.01 to 71-2023.07, 71-2026 to
 21 71-2029, 71-5901, 71-5902, 71-5904 to 71-5909, 71-6018, 71-6024 to
 22 71-6036, 71-6609, 71-6614, 71-7801, 71-7802, and 71-7805, Reissue
 23 Revised Statutes of Nebraska, sections 71-1,147.03, 71-2017,
 24 71-2017.07, 71-2021.01, 71-2023, 71-2024, 71-20,117, 71-5903,
 25 71-7804, and 71-7806, Revised Statutes Supplement, 1998, sections
 26 71-1,147.02, 71-1,147.11, 71-2017.01, 71-20,118, 71-20,119, and
 27 71-7803, Revised Statutes Supplement, 1999, section 71-1,147.08,
 1 Revised Statutes Supplement, 1998, as amended by section 88 of this
 2 legislative bill, and sections 71-1,147.09 and 71-1,147.10, Revised
 3 Statutes Supplement, 1999, as amended by sections 89 and 90 of this
 4 legislative bill."
 5 3. On page 2, strike lines 1 through 20.

LEGISLATIVE BILL 819A. Placed on Select File.

LEGISLATIVE BILL 1025. Placed on Select File as amended.
 E & R amendment to LB 1025:
 AM7270

- 1 1. In the Suttle amendment, AM2592:
- 2 a. On page 2, line 13, strike "reward, recognition" and
- 3 insert "recognition, reward"; and
- 4 b. On page 3, line 10, "of this section" has been
- 5 inserted after "(1)(a)"; in lines 12, 14, 16, and 18 after "serve"
- 6 insert "for"; and in line 23 strike "board" and insert "Nebraska
- 7 Center for Nursing Board".
- 8 2. On page 1, strike beginning with "the" in line 1
- 9 through "and" in line 3.

LEGISLATIVE BILL 1025A. Placed on Select File.

LEGISLATIVE BILL 1116. Placed on Select File as amended.

(E & R amendment, AM7273, 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 1279. Placed on Select File as amended.

E & R amendment to LB 1279:

AM7272

- 1 1. On page 2, line 24, strike "act" and insert "Nebraska
- 2 Budget Act".

LEGISLATIVE BILL 1101. Placed on Select File as amended.

E & R amendment to LB 1101:

AM7271

- 1 1. In the Chambers amendment, AM3114:
- 2 a. On page 2, line 20, after "provides" insert
- 3 "companion";
- 4 b. On page 3, line 4, after "of" insert "senior
- 5 companion"; and
- 6 c. On page 4, line 10, strike "volunteer".
- 7 2. On page 1, strike beginning with "adopt" in line 1
- 8 through line 3 and insert "amend section 81-2210, Reissue Revised
- 9 Statutes of Nebraska; to adopt the Nebraska Senior Companion
- 10 Volunteer Program Act; to harmonize provisions; and to repeal the
- 11 original section."

LEGISLATIVE BILL 1101A. Placed on Select File.

LEGISLATIVE BILL 972. Placed on Select File as amended.

(E & R amendment, AM7274, 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 972A. Placed on Select File.

(Signed) Adrian M. Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 1410. E & R amendment, AM7255, found on page 1494, was adopted.

Senator Chambers renewed his pending amendment, FA365, found on page 1530.

The Chambers amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM3273, found on page 1554.

The Wehrbein 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.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1410A. Senator Wehrbein renewed his pending amendment, AM3306, found on page 1609.

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 925. E & R amendment, AM7265, printed separately and referred to on page 1592, was adopted.

Senator Landis renewed his pending amendment, AM3330, found on page 1618.

Senators Kristensen, Lynch, Vrtiska, Janssen, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senators Wickersham and Landis offered the following amendment to the Landis pending amendment:

AM3336

(Amendments to AM3330)

- 1 1. On page 15, line 25, after "(8)" insert "The
- 2 Department of Revenue and the Department of Insurance shall issue a
- 3 report by December 1, 2001, and by each December 1 through 2011
- 4 that provides the following information:
- 5 (a) The name and address of any business firm qualifying
- 6 for a credit under this section;
- 7 (b) The number of child-years of child care provided to
- 8 employees;
- 9 (c) The fees, if any, charged to employees to use the
- 10 facility during the year;
- 11 (d) The total amount of credit that the firm qualified
- 12 for and the amount used by the firm; and
- 13 (e) Whether or not the child care facility is accredited
- 14 and whether or not the facility was inspected during the year.
- 15 (9) The Department of Revenue shall develop a form for
- 16 claiming the credit allowed by this section stating that nay
- 17 business firm seeking a credit under this section must supply the
- 18 information listed in subsection (8) of this section as a condition
- 19 for receiving the credit. None of the information provided on the
- 20 form shall be considered confidential.

21 (10)".

The Wickersham-Landis amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment to the Landis pending amendment:
AM3334

(Amendments to AM3330)

- 1 1. On page 15, line 9, after "services" insert "that",
- 2 strike lines 10 through 18 and insert "are qualified as a
- 3 nontaxable fringe benefit under section 129 of the Internal Revenue
- 4 Code of 1986, as amended.".

SENATOR CUDABACK PRESIDING

Senator Wickersham moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Senator Wickersham requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 15:

Bohlke	Bromm	Byars	Coordsen	Dickey
Dierks	Engel	Hudkins	Jensen	Matzke
Raikes	Redfield	Schimek	Wehrbein	Wickersham

Voting in the negative, 19:

Aguilar	Baker	Bourne	Brown	Bruning
Connealy	Crosby	Hilgert	Kiel	Landis
Pedersen, Dw.	Preister	Price	Quandahl	Smith
Stuhr	Suttle	Thompson	Tyson	

Present and not voting, 10:

Beutler	Chambers	Cudaback	Hartnett	Jones
Kremer	Pederson, D.	Robak	Schmitt	Schrock

Excused and not voting, 5:

Brashear	Janssen	Kristensen	Lynch	Vrtiska
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The Wickersham amendment lost with 15 ayes, 19 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to the Landis pending amendment:

AM3333

(Amendments to AM3330)

- 1 1. Strike beginning with "improvements" on page 11, line
- 2 24, through "the" on page 12, line 4, and insert "materials,
- 3 supplies, food, equipment,".
- 4 2. On page 12, line 5 after "facility" insert an
- 5 underscored comma; and in line 10 after "buildings" insert "or
- 6 other improvements to real estate or any taxes, interest,
- 7 depreciation, or other finance charges incurred in connection with
- 8 real estate or improvements".

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham amendment lost with 6 ayes, 16 nays, 23 present and not voting, and 4 excused and not voting.

Senator Raikes offered the following amendment to the Landis pending amendment:

AM3338

(Amendments to AM3330)

- 1 1. On page 12, line 19, after "Licensure" insert "and
- 2 accredited by a nationally recognized early childhood education
- 3 organization"; in line 22 after "department" insert "and accredited
- 4 by a nationally recognized early childhood education organization".
- 5 2. On page 13, line 26, strike beginning with the comma
- 6 through line 27.
- 7 3. On page 14, strike lines 1 through 5.
- 8 4. On page 15, line 2, strike "only" and "two"; and in
- 9 line 3 strike "years of" and "subsection (3) of".

Senators Jones and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Stuhr 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 Raikes amendment lost with 11 ayes, 13 nays, 19 present and not voting, and 6 excused and not voting.

Senator Hilgert offered the following amendment to the Landis pending amendment:

AM3332

(Amendments to AM3330)

- 1 1. Strike section 3.
- 2 2. On page 5, line 2, after the period insert "Adult
- 3 members of recipient families whose youngest child is under the age
- 4 of twelve weeks shall not be required to engage in activities such
- 5 as family nurturing, preemployment skills, or education required
- 6 under this subsection."; and in lines 8, 9, and 13 strike the new
- 7 matter and reinstate the stricken matter.
- 8 3. On page 23, line 25, strike "sections" through
- 9 "68-1724" and insert "section 68-1723".
- 10 4. Renumber the remaining sections and correct internal
- 11 references accordingly.

The Hilgert amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment to the Landis pending amendment:
AM3341

(Amendments to AM3330)

- 1 1. Strike sections 4 to 12 and all amendments thereto.
- 2 2. Renumber the remaining section accordingly.

Senator Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Wickersham amendment lost with 10 ayes, 25 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Landis amendment, as amended, was adopted with 34 ayes, 2 nays, 8 present and not voting, and 5 excused and not voting.

Senator Hilgert withdrew his amendment, AM3309, found on page 1612.

Senator Landis moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Hartnett	Hilgert	Hudkins
Janssen	Kiel	Kristensen	Landis	Lynch
Pedersen, Dw.	Preister	Price	Quandahl	Redfield
Schimek	Smith	Stuhr	Suttle	Thompson

Tyson

Voting in the negative, 13:

Bromm	Chambers	Coordsen	Dickey	Engel
Jensen	Kremer	Matzke	Pederson, D.	Raikes
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 1:

Schrock

Excused and not voting, 4:

Dierks	Jones	Robak	Schmitt
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Advanced to E & R for engrossment with 31 ayes, 13 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 925A. E & R amendment, AM7266, found on page 1593, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1223. E & R amendment, AM7268, found on page 1596, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1223A. Senator Wehrbein renewed his pending amendment, AM3285, found on page 1597.

The Wehrbein amendment was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

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

The following bill and resolution were correctly reengrossed: LB 1004 and LR 6CA.

Correctly Engrossed

The following bills were correctly engrossed: LBs 26, 26A, 349, 495, 495A, 825, 825A, 901, 901A, 956, 1003, 1003A, 1008, 1008A, 1010, 1067, 1086, 1167, 1167A, 1200, 1221, 1234, 1234A, 1251, and 1304.

Enrollment and Review Change to LB 825

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

ER9159

1. In the Standing Committee amendments, AM2040:

a. On page 7, line 11, the first "to" has been struck and "of" inserted and "for" has been struck and "to" inserted; and

b. On page 8, line 8, "by" has been inserted after "sent".

Enrollment and Review Change to LB 1067

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

ER9155

1. In the Wickersham amendment, AM3205, on page 18, line 9, "or required to be registered" has been inserted after "registered".

2. On page 1, the matter beginning with "tax" in line 1 through line 7 and all amendments thereto have been struck and "; to amend sections 66-485, 66-487, 66-488, 66-491, 66-492, 66-4,114, 66-4,147, 66-525, 66-527, 66-651, 66-654, 66-667, 66-673, 66-674, 66-675, 66-684, 66-694, 66-698, 66-6,110, 66-6,115, 66-719, 66-722, 66-723, and 66-727, Reissue Revised Statutes of Nebraska, and sections 66-4,141, 66-4,142, 66-4,144, 66-681, 66-718, and 66-1521, Revised Statutes Supplement, 1998; to change provisions relating to exporters, permits, licenses, penalties, and filings; to define and redefine terms; to change the manner of setting variable fuel tax rates; to eliminate the State Tax Board, obsolete provisions, and provisions relating to tax collection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-493, 66-4,115, 66-691.01, 66-696, and 66-730, Reissue Revised Statutes of Nebraska, and sections 77-501, 77-502, and 77-503, Revised Statutes Supplement, 1998; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1086

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

ER9158

1. In the E & R amendments, AM7262, on page 1, line 2, "limited period bingo," has been inserted after the comma.
2. On page 16, line 23, "and" has been struck and "shall" inserted; and in line 25 a comma has been inserted after "regulation".
3. On page 30, line 23; and page 31, line 7, "and" has been struck and an underscored comma inserted.
4. On page 44, line 18, the second comma has been struck.
5. On page 50, line 20, "(1)" has been inserted before "A".

Enrollment and Review Change to LB 1234

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

ER9157

1. In the Schrock amendment, AM3324, and the E & R amendments, AM7251, changes have been made as necessary to incorporate all adopted amendments.
2. On page 1, the matter beginning with "improve" in line 1 through line 6 and all amendments thereto have been struck and "amend sections 23-373, 76-2,112, 81-1532, 81-15,152, and 81-15,153, Reissue Revised Statutes of Nebraska, section 19-902, Revised Statutes Supplement, 1998, and section 23-114, Revised Statutes Supplement, 1999; to state intent; to define terms; to create the Niobrara Council; to provide powers and duties; to create a fund; to provide for grants for wastewater treatment facilities; to create the Ethanol Pricing Task Force; to provide duties and a termination date; to prohibit the sale of methyl tertiary butyl ether as prescribed; to provide for a study and findings relating to water quality monitoring; to eliminate provisions relating to the Niobrara River and wastewater treatment facility funds; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal section 81-1533, Reissue Revised Statutes of Nebraska, and sections 72-2001 to 72-2004, Revised Statutes Supplement, 1998." inserted.

Enrollment and Review Change to LB 1234A

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

ER9156

1. On page 1, line 1, "to amend Laws 1999, LB 880, section 134;" has been inserted after the semicolon; and in line 3 "; to change appropriations; and to repeal the original section" has been inserted after "2000".

**Enrollment and Review Change to LR 6CA
(Final Reading copy)**

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

ER9154

1. On page 2, line 9, "except as otherwise provided by law" has been inserted after "offices".

(Signed) Adrian M. Smith, Chairperson

SELECT FILE

LEGISLATIVE BILL 1115. E & R amendment, AM7246, printed separately and referred to on page 1348, was adopted.

Senator Redfield withdrew her amendment, AM2904, found on page 1137.

Senator Jensen withdrew his amendment, AM2933, found on page 1235.

Senator Byars withdrew his amendment, AM3027, found on page 1240.

Senator Brashear withdrew his amendment, AM2916, found on page 1139.

Senator Dierks withdrew his amendment, AM2943, found on page 1173.

Senator Dierks withdrew the Dierks-Jensen amendment, AM2953, found on page 1175.

Senator Kiel renewed her pending amendment, AM3043, found on page 1254.

Senator Kiel withdrew her amendment.

Senator Bromm asked unanimous consent to replace the Bromm-Thompson amendment, AM3049, found on page 1341, with a substitute amendment. No objections. So ordered.

Senator Bromm withdrew the Bromm-Thompson amendment, AM3049, found on page 1341.

Senators Bromm and Thompson offered the following substitute amendment:

AM3339

(Amendments to E & R amendments, AM7246)

- 1 1. Strike section 86.
- 2 2. On page 109, line 19, strike "or its political
- 3 subdivisions".
- 4 3. On page 116, line 9, strike "71-5713,".

5 4. Renumber the remaining sections accordingly.

The Bromm-Thompson amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

Senator Thompson withdrew her amendment, AM3076, found on page 1341.

Senator Hartnett withdrew his amendment, AM3054, found on page 1383.

Senator Engel withdrew his amendment, AM3059, found on page 1597.

Senator Suttle withdrew her amendment, AM2875, found on page 1093.

Senator Hilgert withdrew his amendment, AM2987, found on page 1228.

Senator Suttle withdrew the Suttle et al. amendment, AM2525, printed separately and referred to on page 1084.

Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2000, at 11:25 a.m., were the following: LBs 171, 973, 973A, 1119, 812, 812A, 936, 936A, 1401, and 1401A.

(Signed) Diana Bridges
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senators Schimek and Wickersham filed the following amendment to LB 1021:

AM3321

(Amendments to E & R amendments, AM7267)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 49-1401, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 49-1401. Sections 49-1401 to 49-14,141 and sections 4,
- 6 7, and 9 of this act shall be known and may be cited as the
- 7 Nebraska Political Accountability and Disclosure Act. Any
- 8 reference to sections 49-1401 to 49-14,138 shall be construed to
- 9 include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07.
- 10 After August 25, 1989, any reference to sections 49-1401 to
- 11 49-14,138 shall be construed to include sections 49-14,123.01 and
- 12 49-14,140.
- 13 Sec. 2. Section 49-1403, Reissue Revised Statutes of

14 Nebraska, is amended to read:

15 49-1403. For purposes of the Nebraska Political
16 Accountability and Disclosure Act, unless the context otherwise
17 requires, the definitions found in sections 49-1404 to 49-1444 and
18 section 4 of this act shall be used.

19 Sec. 3. Section 49-1423, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-1423. With the exception of sections 49-1480 to
22 49-1492, gift as used in sections ~~49-1404 to 49-1413~~ shall mean a
23 payment, subscription, advance, forbearance, rendering, or deposit
1 of money, services, or anything of value, unless consideration of
2 equal or greater value is given therefor. Gift shall not include a
3 campaign contribution otherwise reported as required by law, a
4 commercially reasonable loan made in the ordinary course of
5 business, or a gift received from a ~~member of the individual's~~
6 ~~immediate family or from a relative.~~

7 Sec. 4. Relative shall mean a spouse, father, mother,
8 stepparent, grandfather, grandmother, brother, sister, son,
9 daughter, stepchild, child or children legally adopted as such in
10 conformity with the laws of the state where adopted, any lineal
11 descendant, any lineal descendant legally adopted as such in
12 conformity with the laws of the state where adopted, any person to
13 whom an individual for not less than ten years prior to receipt of
14 a gift or loan has stood in the acknowledged relation of a parent
15 or spouse, or the spouse or surviving spouse of any such persons.

16 Sec. 5. Section 49-1483, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1483. (1) Every registered lobbyist for each of his
19 or her principals, and every principal employing a registered
20 lobbyist, shall file a separate statement for each calendar quarter
21 with the Clerk of the Legislature within fifteen days after the end
22 of each calendar quarter.

23 Each statement shall show the following:

24 (a) The total amount received or expended directly or
25 indirectly for the purpose of carrying on lobbying activities, with
26 the following categories of expenses each being separately
27 itemized: (i) Miscellaneous expenses; (ii) entertainment, including
1 expenses for food and drink as provided in subdivision (2)(b) of
2 this section; (iii) lodging expenses; (iv) travel expenses; ~~and (v)~~
3 ~~lobbyist fees for lobbyist services~~ (v) lobbyist compensation,
4 except that when a principal retains the services of a person who
5 has only part-time lobbying duties, only the compensation paid
6 which is reasonably attributable to influencing legislative action
7 need be reported; ~~and (vi) lobbyist expense reimbursement;~~ (vii)
8 admissions to a state-owned facility or a state-sponsored industry
9 or event as provided in subdivision (2)(b) of this section; and
10 (viii) office expenses, if reported;

11 (b) A detailed statement of any money which is loaned,
12 promised, or paid by a lobbyist, a principal, or anyone acting on

13 behalf of either to an official in the executive or legislative
14 branch or member of such official's staff. The detailed statement
15 shall identify the recipient and the amount and the terms of the
16 loan, promise, or payment; and

17 (c) The total amount expended for gifts, other than
18 admissions to a state-owned facility or a state-sponsored industry
19 or event, as provided in subdivision (2)(b) of this section.

20 (2)(a) The statement is not required to include office
21 expenses.

22 (b) For purposes of entertainment expenses reported under
23 subdivision (1)(a)(ii) of this section, admissions reported under
24 subdivision (1)(a)(vii) of this section, and gifts reported under
25 subdivision (1)(c) of this section, the statement shall disclose
26 the aggregate expenses for such entertainment, admissions, and
27 gifts for each of the following categories of elected officials:

1 Members of the Legislature; and officials in the executive branch
2 of the state. For purposes of this subdivision, entertainment
3 expenses do not include the cost of events at which the attendance
4 of a member of the Legislature or an official in the executive
5 branch of the state is not the primary reason for the event.

6 (c) The lobbyist shall also file any changes or
7 corrections to the information set forth in the registration
8 required pursuant to section 49-1480 so as to reflect the
9 correctness of such information as of the end of each calendar
10 quarter for which such statement is required by this section.

11 (3) If a lobbyist does not expect to receive lobbying
12 receipts from or does not expect to make lobbying expenditures for
13 a principal, the quarterly statements required by this section as
14 to such principal need not be filed by the lobbyist if the
15 principal and lobbyist both certify such facts in writing to the
16 Clerk of the Legislature. A lobbyist exempt from filing quarterly
17 statements pursuant to this section shall (a) file a statement of
18 activity pursuant to section 49-1488 and (b) resume or commence
19 filing quarterly statements with regard to such principal starting
20 with the quarterly period the lobbyist receives lobbying receipts
21 or makes lobbying expenditures for such principal.

22 (4) If a principal does not expect to receive lobbying
23 receipts or does not expect to make lobbying expenditures, the
24 quarterly statements required pursuant to this section need not be
25 filed by the principal if the principal and lobbyist both certify
26 such facts in writing to the Clerk of the Legislature. A principal
27 exempt from filing quarterly statements pursuant to this section
1 shall commence or resume filing quarterly statements starting with
2 the quarterly period the principal receives lobbying receipts or
3 makes lobbying expenditures.

4 (5) For purposes of this section sections 49-1480 to
5 49-1492 and section 7 of this act, calendar quarter shall mean the
6 first day of January through the thirty-first day of March, the
7 first day of April through the thirtieth day of June, the first day

8 of July through the thirtieth day of September, and the first day
9 of October through the thirty-first day of December.

10 Sec. 6. Section 49-1490, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1490. (1) No principal, lobbyist, or person acting on
13 behalf of either shall within one calendar month give any gifts
14 with an aggregate value of more than fifty dollars to the
15 following:

16 (a) An official or a member of the official's staff in
17 the executive branch of state government;

18 (b) An official or a member of the official's staff in
19 the legislative branch of state government; or

20 (c) A member of the immediate family of an official in
21 the executive or legislative branch of state government.

22 (2) No official or member of the official's staff in the
23 executive or legislative branch of state government or member of
24 the official's immediate family shall within one calendar month
25 accept from a principal, lobbyist, or person acting on behalf of
26 either any gifts with an aggregate value of more than fifty

27 dollars. (1) A principal, lobbyist, or anyone acting on behalf of
1 either shall not give a gift to any official or member of any
2 official's staff in the executive or legislative branch of state
3 government or any member of an official's immediate family. Any
4 person who knowingly gives a gift in violation of this subsection
5 shall be guilty of a Class III misdemeanor.

6 (2) An official or any other person on his or her behalf
7 in the legislative or executive branch of state government or a
8 member of such official's staff or immediate family shall not
9 solicit or accept a gift in violation of subsection (1) of this
10 section. Any person who knowingly solicits or accepts a gift in
11 violation of this subsection shall be guilty of a Class III
12 misdemeanor.

13 (3) As used in sections 49-1480 to 49-1492 and section 7
14 of this act, gift shall mean a payment, subscription, advance,
15 forbearance, or honorarium or the rendering or deposit of money,
16 services, or anything of value, the value of which exceeds fifty
17 dollars in any one-month period, unless consideration of equal or
18 greater value is received therefor. Gift shall not include:

19 (a) A campaign contribution otherwise reported as
20 required by law;

21 (b) A commercially reasonable loan made in the ordinary
22 course of business;

23 (c) A gift ~~An item of value~~ received from a member of the
24 person's immediate family, a relative, or the spouse of any such
25 relative;

26 (d) A breakfast, luncheon, dinner, or other refreshments
27 consisting of food and beverage provided for immediate consumption;

1 or

2 (e) Admissions to state-regulated industries, facilities,

3 of events; or

4 (F) The occasional provision of transportation within the
5 State of Nebraska to an officeholder.

6 (4) An admission to a state-owned facility or a
7 state-sponsored industry or event may be given by any sponsoring
8 agency, political subdivision, or publicly funded postsecondary
9 educational institution and accepted regardless of value.

10 (5) Any person who knowingly and intentionally violates
11 this section shall be guilty of a Class III misdemeanor.

12 Sec. 7. (1) Any agency, political subdivision, or
13 publicly funded postsecondary educational institution which gives a
14 gift of an admission to a state-owned facility or a state-sponsored
15 industry or event to an official or a member of the official's
16 staff in the executive branch of state government, an official or a
17 member of the official's staff in the legislative branch of state
18 government, or a member of the immediate family of an official in
19 the executive or legislative branch of state government shall
20 report the gift on a form prescribed by the commission.

21 (2) The report shall be filed with the Clerk of the
22 Legislature within fifteen days after the end of the calendar
23 quarter in which the gift is given. The report shall include the
24 following:

25 (a) The identity of the agency, political subdivision, or
26 publicly funded postsecondary educational institution;

27 (b) A description of the gift;

1 (c) The value of the gift; and

2 (d) The name of the recipient of the gift and the

3 following:

4 (i) If the recipient is an official in the executive or
5 legislative branch of state government, the office held by the
6 official and the branch he or she serves;

7 (ii) If the recipient is a member of an official's staff
8 in the executive or legislative branch of state government, his or
9 her job title and the name of the official; or

10 (iii) If the recipient is a member of the immediate
11 family of an official in the executive or legislative branch of
12 state government, his or her relationship to the official and the
13 name of the official.

14 (3) Any person who knowingly and intentionally violates
15 this section shall be guilty of a Class III misdemeanor.

16 Sec. 8. Section 49-1496, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1496. (1) The statement of financial interests filed
19 pursuant to sections 49-1493 to 49-14,104 shall be on a form
20 prescribed by the commission.

21 (2) Individuals required to file under sections 49-1493
22 to 49-1495 shall file the following information for themselves:

23 (a) The name and address of and the nature of association
24 with any business with which the individual was associated and any

25 entity in which a position of trustee was held during the preceding
26 year;

27 (b) The name, address, and nature of business of a

1 person, including a government, political subdivision, or body
2 corporate, from whom any income in the value of one thousand
3 dollars or more was received during the preceding year and the
4 nature of the services rendered. If income results from employment
5 by, operation of, or participation in a proprietorship,
6 partnership, limited liability company, professional corporation or
7 business or nonprofit corporation, or other person, the person may
8 list the proprietorship, partnership, limited liability company,
9 professional corporation or business or nonprofit corporation, or
10 other person as the source and not the patrons, customers,
11 patients, or clients of the proprietorship, partnership, limited
12 liability company, professional corporation or business or
13 nonprofit corporation, or other person;

14 (c) A description, but not the value, of the following,
15 if the fair market value thereof exceeded one thousand dollars: The
16 nature and location of all real property in the state, except the
17 residence of the individual; the depository of checking accounts
18 and savings accounts; the issuer of stocks, bonds, and government
19 securities; and a description of all other property owned or held
20 for the production of income, except property owned or used by a
21 business with which the individual was associated;

22 (d) The name and address of each creditor to whom the
23 value of one thousand dollars or more was owed or guaranteed by the
24 filer or a member of the filer's immediate family. Accounts
25 payable, debts arising out of retail installment transactions or
26 from loans made by financial institutions in the ordinary course of
27 business, loans from a relative, and land contracts that have been
1 properly recorded with the county clerk or the register of deeds
2 need not be included;

3 (e) The name, address, and occupation or nature of
4 business of any person from whom a gift in the value of more than
5 one hundred dollars was received, a description of the gift, the
6 monetary value category of the gift, and the circumstances of each
7 the gift. For purposes of this subdivision, the monetary value of
8 gifts shall be categorized based on a good faith estimate by the
9 individual required to report as follows: Category (i): \$100.01 -
10 \$200; category (ii): \$200.01 - \$500; category (iii): \$500.01 -
11 \$1,000; and category (iv): \$1,000.01 or more. The definition of
12 gift is as set forth in section 49-1423; and

13 (f) Such other information as the person required to file
14 the statement or the commission deems necessary, after notice and
15 hearing, to carry out the purposes of the Nebraska Political
16 Accountability and Disclosure Act.

17 Sec. 9. The commission shall adopt and promulgate rules
18 and regulations prior to January 1, 2001, to carry out the changes
19 made by this legislative bill.

20 Sec. 10. Sections 9 and 10 of this act become operative
 21 on their effective date. The other sections of this act become
 22 operative on January 1, 2001.

23 Sec. 11. Original sections 49-1403, 49-1423, 49-1483,
 24 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and
 25 section 49-1401, Revised Statutes Supplement, 1999, are repealed."

Senator Bromm filed the following amendment to LB 1213:
 AM3340

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 79-1065, Revised Statutes Supplement,
- 3 1998, is amended to read:
- 4 79-1065. The State Department of Education shall adjust
- 5 payments provided under Chapter 79 to school districts which, after
- 6 final determination, received funds not equal to the appropriate
- 7 allocation for the previous school fiscal year such that the
- 8 district will receive the funds to which it was finally determined
- 9 to be entitled. If the adjustment under this section results in a
- 10 district being entitled to the payment of additional funds, the
- 11 department shall make such payment in a lump sum not later than the
- 12 last business day of September of the year in which the final
- 13 determination under this section is made. If the total adjustment
- 14 cannot be made from the funds to be provided in the current school
- 15 fiscal year, the adjustment shall be prorated, with additional
- 16 adjustments made to payments for future school fiscal years. The
- 17 department shall maintain an accurate account and a record of the
- 18 reasons the adjustments were made and the amount of such
- 19 adjustments."
- 20 2. On page 1, lines 1 and 2; and page 27, line 23,
- 21 strike "and 79-1023" and insert ",79-1023, and 79-1065".
- 22 3. On page 1, line 8, after the semicolon insert "to
- 23 provide for lump-sum payment of aid adjustment amounts;".
- 1 4. Renumber the remaining sections accordingly.

Senators Schimek and Bromm filed the following amendment to LR 494:
 AM3344

- 1 1. Strike subsection (1) of section 4 and insert:
- 2 "(1)(a) The Redistricting Task Force, created by LR 174
- 3 in 1999, which was continued by LR 297 in 2000, shall draft and
- 4 recommend the substantive and procedural guidelines that will guide
- 5 the Legislature's 2001 redistricting process. The substantive and
- 6 procedural guidelines shall be formulated by the beginning of the
- 7 2001 legislative session and presented to the Legislative Council
- 8 for its approval.
- 9 (b) In 2001, the task force established by this
- 10 resolution shall, based upon the data received from the United
- 11 States Bureau of the Census, compile statistics, redraw
- 12 congressional district boundaries and other district boundaries,

13 and prepare redistricting plans and maps reflecting the proposed 14 new boundaries."

RESOLUTION

LEGISLATIVE RESOLUTION 497. Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Jones, 43; Kremer, 34; Stuhr, 24.

PURPOSE: The purpose of this study is to examine the effect on the environment including, but not limited to, air and water pollution, of the individual chemical components of gasoline.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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.

VISITORS

Visitors to the Chamber were 35 fourth grade students and teachers from Dodge Elementary School, Grand Island; 40 seniors from Hebron High School; 25 students and teacher from Norfolk; Bob, Mary, and David Kraft from Gering and Janet, Cory, and Holly Mottershead from Scottsbluff; and 43 fourth grade students and teachers from Wasmer Elementary School, Grand Island.

ADJOURNMENT

At 2:10 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, April 10, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 10, 2000**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 2000

PRAYER

The prayer was offered by Pastor Melvin Brown, Nazarene Church, McCook, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Bohlke, Engel, Kiel, Dw. Pedersen, Raikes, Schrock, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

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

The following bills were correctly engrossed: LBs 925, 925A, 1115, 1223, 1223A, 1410, and 1410A.

Enrollment and Review Change to LB 925

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

ER9161

1. In the Landis amendment, AM3330:

a. On page 14, line 7, "the" has been struck; and

b. On page 15, line 2, "operative date of this section" has been struck and "effective date of this act" inserted; in line 3 "(3)" has been struck and "(2)"

inserted; and in line 20 "on or" has been inserted after "section".

2. In the E & R amendments, AM7265, on page 17, line 21, "68-1724," has been struck and "77-2717," has been inserted before "and".

Enrollment and Review Change to LB 1115

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

ER9162

1. In the E & R amendment, AM7246, on page 115, line 14, "71-5713," has been struck.

Enrollment and Review Change to LB 1223

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

ER9164

1. On page 1, the matter beginning with "qualification" in line 5 through "members" in line 6 has been struck and "reports and qualification for tax credits" inserted.

Enrollment and Review Change to LB 1410

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

ER9160

1. On page 1, the matter beginning with "to" in line 1 through the semicolon in line 2 has been struck and "to Nebraska history; to amend section 90-404, Reissue Revised Statutes of Nebraska; to authorize the Game and Parks Commission to accept a gift of real estate for Arbor Lodge State Historical Park;" inserted; and in line 4 "to repeal the original section;" has been inserted after the semicolon.

(Signed) Adrian M. Smith, Chairperson

MESSAGES FROM THE GOVERNOR

April 6, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 628, 953e, 968e, 968A, 1253, and 1285e were received in my office on April 3, 2000.

These bills were signed by me on April 6, 2000, and delivered to the

Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 7, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1352e was received in my office on April 3, 2000.

This bill was signed by me on April 7, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 495. Read. Considered.

LR 495 was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

MOTION - Return LB 833 to Select File

Senator Beutler moved to return LB 833 to Select File for the following specific amendment:

FA400

Strike in Sec. 4 subsections 3(a), 3(b), 6(a), 6(b), and 6(c) all new language and restore the old language.

Senators Wehrbein and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 833.

A BILL FOR AN ACT relating to veterinary medicine; to amend sections 71-1,153, 71-1,158, 71-1,160, and 71-1,161, Reissue Revised Statutes of Nebraska, and sections 71-112, 71-1,152.01, and 71-1,154, Revised Statutes Supplement, 1999; to change and eliminate provisions of the Nebraska Veterinary Practice Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1,168 to 71-1,170, 71-1,172 to 71-1,176, 71-1,178, 71-1,180, 71-1,181, and 71-1,183 to 71-1,185, Reissue Revised Statutes of Nebraska, and section 71-1,171, Revised Statutes Supplement, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Hilgert

Excused and not voting, 3:

Brashear Engel Wehrbein

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

LEGISLATIVE BILL 833A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 833, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	

Voting in the negative, 0.

Present and not voting, 2:

Hilgert Wickersham

Excused and not voting, 3:

Brashear Engel Wehrbein

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: LBs 833 and 833A.

STANDING COMMITTEE REPORT Transportation and Telecommunications

The Transportation and Telecommunications 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 Information Technology Commission

H. H. "Hod" Kosman
Pamela Vanlandingham

VOTE: Aye: Senators Bromm, Jones, Robak, Hudkins, Baker, Byars, and Dw. Pedersen. Nay: None. Absent: Senator Thompson.

(Signed) Curt Bromm, Chairperson

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

The following bill was correctly engrossed: LB 932.

Enrollment and Review Change to LB 932

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

ER9163

1. In the Landis amendment, AM2867:

- a. Section 25 has been renumbered as section 29; and
- b. Amendment 2 has been struck.

2. In the Beutler amendment, FA397, on page 1, "subsection" has been struck and "subdivision" inserted and "line 13" has been struck and "line 27" inserted.

3. In the Landis amendment, AM3130:

- a. Section 33 has been renumbered as section 28;
- b. On page 26, line 25, "subsection" has been struck and "subdivision" inserted; and

- c. On page 36, line 8, "8-148.07," has been inserted after "sections"; and in line 10 "45-116," has been inserted after "30-3205,".

4. On page 1, the matter beginning with "sections" in line 1 through line 17 and all amendments thereto have been struck and "sections 8-148.07, 8-301, 8-305, 8-317, 8-331, 8-334, 8-336, 8-340, 8-345.01, 8-346, 8-1103, 8-1111, 8-1120, 8-1502, 21-1701, 21-1767, 21-1768, 30-3205, 45-116, 45-205, 45-337, 45-717, 45-919, 72-1263, 72-1264, 77-2327, 77-2386, 77-2390, 77-2395, and 81-885.21, Reissue Revised Statutes of Nebraska, sections 8-101, 8-205, 8-223, 8-910, and 77-2387, Revised Statutes Supplement, 1998, and sections 8-157.01, 8-1,140, 8-355, 8-602, 21-17,115, 45-137, and 77-2391, Revised Statutes Supplement, 1999; to revise the powers of bank subsidiary corporations, state-chartered banks, building and loan associations, and credit unions; to change provisions relating to automatic teller machines, the Nebraska Trust Company Act, building and loan companies, department fees, the Nebraska Bank Holding Company Act of 1995, the Securities Act of Nebraska, acquisitions and mergers, the Credit Union Act, investments by fiduciaries, installment loans, revolving charge agreements, installment sales, the Mortgage Bankers Registration and Licensing Act, the Delayed Deposit Services Licensing Act, the deposit of public funds, and real estate trust accounts; to require a fidelity bond from credit unions; to eliminate provisions relating to foreign building and loan associations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 8-342 to 8-345, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

5. On page 2, lines 1 through 5 have been struck.

6. On page 3, line 9; page 12, line 9; and page 49, line 23, "effective date of this act" has been struck and "operative date of this section" inserted.

7. On page 46, line 7, "director" has been struck, shown as stricken, and "Director of Banking and Finance" inserted.

(Signed) Adrian M. Smith, Chairperson

REPORT OF THE EXECUTIVE BOARD

2000 Resolution calling for an Interim Study

LR 497 Interim study of the individual chemical components of gasoline and air and water pollution
Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 1021. E & R amendment, AM7267, printed separately and referred to on page 1596, was adopted.

Senator Wickersham asked unanimous consent to replace his pending amendment, AM3277, found on page 1554, with a substitute amendment. No objections. So ordered.

Senator Wickersham withdrew his amendment, AM3277, found on page 1554.

Senators Schimek and Wickersham renewed their substitute pending amendment, AM3321, found on page 1647.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment to the Schimek-Wickersham pending amendment:
AM3353

(Amendments to AM3321)

- 1 1. On page 5, line 14, after "dollars" insert "or within
- 2 one calendar year give any gifts with an aggregate value of more
- 3 than three hundred dollars".

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

Senator Beutler offered the following amendment to the Schimek-Wickersham pending amendment:

AM3352

(Amendments to AM3321)

- 1 1. Insert the following new section:
- 2 "Sec. 6. (1) No official, spouse of an official, or
- 3 member of the official's staff in the executive or legislative
- 4 branch of state government shall within one calendar year accept
- 5 gifts with an aggregate value of more than one thousand dollars
- 6 from any entity or individual other than a relative.
- 7 (2) For purposes of this section, gift has the same
- 8 meaning as in section 49-1490.
- 9 (3) Any person who knowingly and intentionally violates
- 10 this section shall be guilty of a Class III misdemeanor."
- 11 2. Renumber the remaining sections and correct internal
- 12 references accordingly.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 495.

SELECT FILE

LEGISLATIVE BILL 1021. The Beutler pending amendment, AM3352, found in this day's Journal, to the Schimek-Wickersham pending amendment, AM3321, found on page 1647 and considered in this day's Journal, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senators Smith, Bohlke, Engel, Landis, D. Pederson, Kremer, and Baker moved to reconsider the vote taken on the Beutler amendment, AM3353, found on page 1661.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Smith et al. motion to reconsider the Beutler amendment, AM3353, prevailed with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

Pending.

MESSAGES FROM THE GOVERNOR

April 10, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 153e, 153Ae, 482, 482A, 557, 950e, 950Ae, 957e, 1243, 1243A, 1363, 1399e, 1124e, 1124Ae, 1348, 1348A, 352e, and 352Ae were received in my office on April 4, 2000; and Engrossed Legislative Bills 973, 973A, 1119, 812, 812A, 936, and 936A were received on April 6, 2000.

These bills were signed by me on April 10, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 289e and LB 289Ae without my signature and with my objections.

The requirement under LB 289e that county boards file county zoning regulations and any amendments with the Secretary of State is an unnecessary new state mandate upon counties that results in a duplication of government services.

I urge you to sustain my veto of LB 289e and LB 289Ae.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 414 and LB 414A without my signature and with my objections.

While LB 414 will have a General Fund impact of only \$147,134 in FY 2000-01, the cost increases to \$3,737,539 in FY 2001-02. In FY 2002-03, the General Fund impact is projected to be \$5,977,225. The fiscal impact of LB 414 is simply too burdensome given the status of our current State's budget.

I urge you to sustain my veto of LB 414 and LB 414A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1092 and LB 1092A without my signature and with my objections.

LB 1092 suggests the need for further study into the feasibility of developing a state meat inspection program. I believe that it would be premature to hire a permanent full-time program administrator to conduct such a study. It would be more prudent to conduct an interim study to explore the interest and feasibility of such a program. After receiving the results of such a study, the details of any necessary statutory changes, cooperative agreements, and other requirements could be developed.

I urge you to sustain my vetoes of LB 1092 and LB 1092A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 1363A with my signature but with certain line-item reductions.

I have vetoed \$17,642 appropriated to the Nebraska Mexican American Commission for FY 2000-01. The Commission experienced an extended period of two staff vacancies during the current biennium. As a result of these temporary vacancies, an opportunity exists for the Commission to utilize accrued vacancy savings of approximately \$20,000 toward the first year expenses of the Task Force on the Productive Integration of the Immigrant Workforce Population.

I urge you to sustain this reduction.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1399A with my signature but with certain line-item reductions.

I have vetoed \$820,000 Cash Funds appropriated for FY2000-01 and FY2001-02 to the Nebraska Department of Education, as well as the accompanying \$820,000 transfers from the General Fund to the Attracting Excellence to Teaching Program Cash Fund.

The general fund line-item reductions amount to \$1,230,000 over the next three years. My rationale for these line-item vetoes is based not only on the fiscal impact of the bill in our current state budget, but also upon the fact that the loan forgiveness program funded by LB 1399A will be one of many considered by the Teacher Salary Task Force in its consideration of future teacher pay, retention, and incentive packages.

For these reasons, I urge you to sustain the line-item reductions.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 480 without my signature and with my objections. I am returning LB 480A with my signature and with line-item reductions.

LB 480 establishes the Women's Health Initiative of Nebraska within the Department of Health and Human Services. A new council of up to 30 members is created to advise the Women's Health Initiative in carrying out its duties. The Department is to employ personnel, including an executive director, to carry out the powers and duties of the initiative.

While the issues raised by LB 480 are significant and deserve serious attention, I do not believe that the best way to address them is by creating a new division of government and spending additional money on administration. Women's health is a priority issue of this administration. Diseases and conditions which affect the lives of women, as well as men and children, receive careful attention and will be given a heightened focus through the Office of Public Health within the Health and Human Service System. I do not believe a segmented administrative approach is the best solution to deal with women's health care needs.

In LB 480A, I am vetoing the General Fund appropriations. I endorse the idea of seeking private gifts, donations, and new grants, and the Director of Health and Human Services has been instructed to aggressively pursue such funding. The Women's Initiative Cash Fund will be administratively created, and the cash appropriation which remains in the A-bill can be the seed money for those efforts. The cash fund appropriation will be administratively increased, as provided for in current law, when such gifts,

donations, or grants are received for the purposes described in LB 480.

I urge you to sustain my veto of LB 480 and my line-item reductions to LB 480A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 652 and LB 652A without my signature and with my objections.

LB 652 transfers the Secure Youth Facility from the Department of Corrections to the Department of Health and Human Services, a proposal which I indicated that I could support. I believe the transfer has merit in providing an additional option for treating juveniles and bringing some relief to the overcrowding at the Youth Rehabilitation and Treatment Center at Kearney.

Also included in LB 652, however, is a shift of costs from the counties to the State. The bill would have the State assume costs for placing juveniles in facilities and programs where the State cannot exercise an appropriate level of responsibility.

In conjunction with the Juvenile Correctional Facilities Master Plan released in December of last year, I believe Nebraska's priorities should include working toward developing a continuum of services for delinquent youth. Along with those services must come the accountability of a single point of entry assessment process, or "gatekeeper," which would enable the State to decide on treatment options within a spectrum of all available resources. My budget recommendations included two elements needed to develop that continuum of services, a Wilderness Camp program and a parole revocation facility. Although, those options were not endorsed by the Legislature, the pure cost shift contained in LB 652 is not a viable alternate solution to this issue.

I am willing to engage in discussion over which services are felt to be the highest priorities, but within the constraints of the resources which Nebraska taxpayers are willing to commit, we should continue along a pathway which provides appropriate services and ensures accountability. We simply cannot

assume the burden of new costs without those accountability assurances.

I urge you to sustain my vetoes of LB 652 and LB 652A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 717 and LB 717A without my signature and with my objections.

LB 717 and LB 717A are not necessary to enable Local Emergency Planning Committees to conduct planning and programs approved by the State Emergency Response Commission under the Nebraska Emergency Planning and Community Right to Know Act. Given the status of our current State budget, and the fact that other funding sources are available for this program, I urge you to sustain my veto of LB 717 and 717A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 922 and LB 922A without my signature and with my objections.

The Judicial Resources Commission recommendation for an additional district court judgeship in the 11th Judicial District has merit. The amended legislation, however, will have a General Fund impact of \$693,934 in FY 2000-01 and FY 2001-02. Given our State's current budgetary constraints, I do not believe these expenditures to be justified this year.

I urge you to sustain my vetoes of LB 922 and LB 922A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 957A with my signature but with certain line-item reductions.

The General Fund appropriations of \$110,000 in FY2000-01 and \$110,000 in FY2001-02 are vetoed. The estimated cash fund appropriation of \$80,000 for FY2000-01 from the Carbon Sequestration Assessment Fund remains. It is my expectation that other public and private sources will be made available to allow the carbon sequestration study to move forward.

I urge you to sustain the reductions to LB 957A.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1107 without my signature and with my objections.

LB 1107 would cap at 47 percent the amount of property taxes that can be included as a formula resource in the state aid formula under the Tax Equity and Educational Opportunities Support Act. While the objective of providing property tax relief is laudable, and one I strongly support, I object to LB 1107 for the following two reasons: 1) the state aid to schools formula is not the best or most effective vehicle for providing property tax relief, and 2) LB 1107 reinforces an automatic process of establishing an appropriation for over 30 percent of our General Fund budget without regard to other

important State needs and priorities.

For these reasons, I urge you to sustain this veto.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 171 without my signature and with my objections.

I sympathize with the Legislature's desire to provide the television broadcasting industry with some relief from a federal mandate. This bill, however, would set a dangerous and, in my opinion, an unwise precedent. If the State were to grant an exemption for the broadcasting industry, in fairness, then every industry subject to a federal mandate should expect to receive the same treatment. Regardless of federal mandates, the State must find a way to fund its priority obligations. In addition to setting an unwise precedent, the tax exemption included in LB 171 will deter the State from funding those obligations. Given the current budgetary situation, LB 171 cannot be justified.

I urge you to sustain my veto of LB 171.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2000

Mr. President, Mr. Speaker,
And Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 1401 and LB 1401A without my signature and with my objections.

LB 1401 includes many provisions that are not objectionable. However,

LB 1401 amends the Tax Equity and Educational Opportunities Act by excluding school systems receiving less than twenty percent of their general fund operating expenses from property taxes from the aid formula's "lop-off" provision. The practical effect of this change is to direct \$1 million in additional state aid to only a few specific school districts.

I understand many of the spending proposals reaching my desk this session, including LB 1401, may have merit. This year, LB 1401 does not represent a state spending priority.

I urge you to sustain my vetoes of LB 1401 and LB 1401A.

Sincerely,
(Signed) Mike Johanns
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 2000, at 9:50 a.m., were the following: LBs 833 and 833A.

(Signed) Diana Bridges
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 1021. Senator Beutler withdrew his reconsidered amendment, AM3353, found on page 1661 and reconsidered on page 1662.

Senator Schimek offered the following amendment to the Schimek-Wickersham pending amendment:
AM3355

(Amendments to AM3321)

- 1 1. On page 4, strike lines 3 through 5 and insert
- 2 "expenses shall be limited to the average cost attributable to an
- 3 official if an entertainment expense is for an event to which
- 4 persons other than such officials are invited."

Senator Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Schimek amendment was adopted with 25 ayes, 5 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Brashear offered the following amendment to the Schimek-Wickersham pending amendment:
AM3347

(Amendments to AM3321)

- 1 1. On page 7, strike lines 6 through 27 and insert
2 "(4) An admission or a set of admissions to a series or
3 season for the recipient and one guest to a state-owned facility or
4 a state-sponsored industry or event may be given by any sponsoring
5 agency, political subdivision, or publicly funded postsecondary
6 educational institution and accepted regardless of value.
7 (5) For purposes of this section, a gift of an admission
8 to a single state-owned facility or a single state-sponsored
9 industry or event shall be considered as given in the month in
10 which the admission is to be used and a gift of a set of admissions
11 to a series or season of state-sponsored events shall be considered
12 as given in the month in which the set of admissions is given.
13 (6) Any person who knowingly and intentionally violates
14 this section shall be guilty of a Class III misdemeanor.
15 Sec. 4. (1) Any agency, political subdivision, or
16 publicly funded postsecondary educational institution which gives a
17 gift of an admission to a state-owned facility or a state-sponsored
18 industry or event to a public official, a member of a public
19 official's staff, or a member of the immediate family of a public
20 official shall report the gift on a form prescribed by the
21 commission, except that a gift of an admission to a facility or
22 event given to a public official for the official and one guest
23 need not be reported under this section if the gift is given by a
1 sponsoring agency or publicly funded postsecondary educational
2 institution to a public official who is an official or member of
3 the governing body of the agency or institution.
4 (2) For purposes of this section, public official does
5 not include an elected or appointed official of a political
6 subdivision or school board.
7 (3) The report shall be filed with the Clerk of the
8 Legislature within fifteen days after the end of the calendar
9 quarter in which the gift is given. The report shall include the
10 following:
11 (a) The identity of the agency, political subdivision, or
12 publicly funded postsecondary educational institution;
13 (b) A description of the gift;
14 (c) The value of the gift; and
15 (d) The name of the recipient of the gift and the
16 following:
17 (i) If the recipient is a public official, the office
18 held by the official and the branch of state government he or she
19 serves;
20 (ii) If the recipient is a member of a public official's
21 staff, his or her job title and the name of the official; or
22 (iii) If the recipient is a member of the immediate
23 family of a public official, his or her relationship to the
24 official and the name of the official.
25 (4) Any person who knowingly and intentionally violates

26 this section shall be guilty of a Class III misdemeanor.
 27 2. On page 8, strike lines 1 through 15.

Pending.

VISITORS

Visitors to the Chamber were 50 kindergarten through sixth grade home school students and teacher from Omaha; 25 fourth grade students and teacher from Watson Elementary School, Hastings; 20 sixth grade Girl Scouts and sponsors from Guiding Star Girl Scout Council, Western; and Scott Danigole and daughter, Emily, from Omaha and Ray and Adam Schug from Renton, Washington.

RECESS

At 11:59 a.m., on a motion by Senator Brashear, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Price who was excused; and Senators Bohlke, Byars, Dierks, Engel, Kiel, Kristensen, Landis, Robak, and Schmitt who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1021. Senator Brashear asked unanimous consent to replace his pending amendment, AM3347, found on page 1671, with a substitute amendment. No objections. So ordered.

Senator Brashear withdrew his amendment, AM3347, found on page 1671.

Senator Brashear offered the following substitute amendment to the Schimek-Wickersham pending amendment:
 AM3365

(Amendments to AM3321)

- 1 1. On page 7, strike lines 15 through 19 and insert
- 2 "industry or event to a public official, a member of a
- 3 public official's staff, or a member of the immediate family of a
- 4 public official shall".
- 5 2. On page 8, line 14, after "(3)" insert
- 6 "For purposes of this section, public official does not
- 7 include an elected or appointed official of a political subdivision
- 8 or school board.

9 (4)".

The Brashear amendment was adopted with 29 ayes, 2 nays, 9 present and not voting, and 9 excused and not voting.

Senator Brashear offered the following amendment to the Schimek-Wickersham pending amendment:
AM3348

(Amendments to AM3321)

- 1 1. Strike section 3 and insert the following new
2 section:
3 "Sec. 3. Section 49-1423, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 49-1423. ~~With the exception of sections 49-1480 to~~
6 ~~49-1492, gift as used in sections 49-1401 to 49-14,138~~ Gift shall
7 mean a payment, subscription, advance, forbearance, rendering, or
8 deposit of money, services, or anything of value, unless
9 consideration of equal or greater value is given therefor. Gift
10 shall not include a campaign contribution otherwise reported as
11 required by law, a commercially reasonable loan made in the
12 ordinary course of business, ~~or a gift received from a member of~~
13 ~~the individual's immediate family or from a relative, a breakfast,~~
14 ~~luncheon, dinner, or other refreshments consisting of food and~~
15 ~~beverage provided for immediate consumption, or the occasional~~
16 provision of transportation within the State of Nebraska to an
17 officeholder.".
18 2. On page 6, strike beginning with "(3)" in line 13
19 through line 27 and show the old matter as stricken.
20 3. On page 7, strike line 1; in lines 2, 4, and 5 strike
21 the old matter and show as stricken; in line 6 strike "(4)" and
22 insert "(3)"; and in line 10 strike "(5)" and insert "(4)".
23 4. On page 10, strike beginning with the period in line
1 11 through the semicolon in line 12, show as stricken, and insert
2 an underscored semicolon.

The Brashear amendment was adopted with 27 ayes, 2 nays, 13 present and not voting, and 7 excused and not voting.

Senator Brashear offered the following amendment to the Schimek-Wickersham pending amendment:

FA401

Amend AM3348

On page 1, lines 16 and 17, strike "to an officeholder".

The Brashear amendment was adopted with 29 ayes, 2 nays, 11 present and not voting, and 7 excused and not voting.

Senator Wickersham offered the following amendment to the Schimek-Wickersham pending amendment:

FA402

Amend AM3321

Pg. 2, line 7 after father insert father-in law. Pg. 2, line 7 after mother insert mother-in-law. Pg. 2, line 8 after grandfather insert grandfather-in-law. Pg. 2, line 8 after grandmother insert grandmother-in-law.

Senator Wickersham withdrew his amendment.

Senator Coordsen offered the following amendment to the Schimek-Wickersham pending amendment :

FA403

Amend AM3321

Delete Section 4 and insert "A relative shall mean any person related to one another by blood or marriage to the third degree of consequence, including, foster or step parent or children and adopted children and their adoptive parents".

The Coordsen amendment was adopted with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

The Schimek-Wickersham amendment, AM3321, as amended, was adopted with 32 ayes, 2 nays, 12 present and not voting, and 3 excused and not voting.

Senator Brashear withdrew his amendments, AM3287 and AM3319, found on pages 1624 and 1625.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1101. E & R amendment, AM7271, found on page 1638, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1101A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 972. E & R amendment, AM7274, printed separately and referred to on page 1638, was adopted.

Senator Bourne offered the following amendment:

AM3345

(Amendments to E & R amendments, AM7274)

- 1 1. On page 3, line 23, after "employees" insert "or
- 2 contractor's staff" and strike "one-half" and insert "one-fourth";
- 3 and in line 25 after the period insert "Customer service staff
- 4 responsible for providing account information related to the State
- 5 Disbursement Unit may be located at the same location as the State
- 6 Disbursement Unit.".

The Bourne amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Beutler offered the following amendment:
AM3357

(Amendments to E & R amendments, AM7274)

- 1 1. On page 2, line 1, after "payments" insert "2
- 2 balances, and arrearages"; in line 3 after the comma insert "of the
- 3 balance of any amount of support order payments that are in arrears
- 4 on the date the State Disbursement Unit becomes operative and"; in
- 5 line 4 after "made" insert "after the date the unit becomes
- 6 operative."; and in line 5 strike "and" and insert "Such evidence".

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 972A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1361. Senator Preister renewed his pending amendment, AM3233, found on page 1530.

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

Senator Bromm offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3328)

The Bromm 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 1279. E & R amendment, AM7272, found on page 1638, was adopted.

Senator Wickersham withdrew his amendment, AM3301, found on page 1604.

Senators Wickersham and Beutler offered the following amendment:
AM3361

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 13-502, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 13-502. (1) The purpose of the Nebraska Budget Act is to
- 6 require governing bodies of this state to which the act applies to
- 7 follow prescribed budget practices and procedures and make

8 available to the public pertinent information pertaining to the
 9 financial requirements and expectations of such governing bodies so
 10 that intelligent and informed support, opposition, criticism,
 11 suggestions, or observations can be made by those affected.

12 (2) The act shall not apply to governing bodies which
 13 have a budget of less than five thousand dollars per year.

14 (3) The act shall not apply to proprietary functions of
 15 municipalities for which a separate budget has been approved by the
 16 city council or village board as provided in the Municipal
 17 Proprietary Function Act.

18 (4) The Nebraska Budget Act shall not apply to any
 19 governing body for any fiscal year in which the governing body will
 20 not have a property tax request or receive state aid as defined in
 21 section 13-518.

22 (5) The act shall not apply to any public power district
 23 or public power and irrigation district organized pursuant to
 24 Chapter 70, article 6, to any rural power district organized
 1 pursuant to Chapter 70, article 8, or to any agency created
 2 pursuant to sections 18-2426 to 18-2434.

3 Sec. 2. Section 77-3508, Revised Statutes Supplement,
 4 1999, is amended to read:

5 77-3508. (1) All homesteads in this state shall be
 6 assessed for taxation the same as other property, except that there
 7 shall be exempt from taxation, on any homestead of (a) veterans as
 8 defined in section 80-401.01 who are totally disabled by a
 9 non-service-connected accident or illness, (b) individuals who have
 10 a permanent physical disability ~~or who~~ and have lost all mobility
 11 such as to preclude locomotion without the regular use of a
 12 mechanical aid or prostheses, and (c) individuals who have
 13 undergone amputation of both arms above the elbow or who have a
 14 permanent partial disability of both arms in excess of seventy-five
 15 percent, a percentage of the exempt amount as limited by section
 16 77-3506.03. The exemption shall be based on the household income
 17 of a claimant pursuant to subsections (2) through (4) of this
 18 section. Application for such exemption shall include
 19 certification from a qualified medical physician for subdivisions
 20 (1)(a) through (c) of this section or certification from the United
 21 States Department of Veterans Affairs affirming that the homeowner
 22 is totally disabled due to non-service-connected accident or
 23 illness for subdivision (1)(a) of this section. Such certification
 24 from a qualified medical physician shall be made on forms
 25 prescribed by the Department of Revenue.

26 (2) For 2000, for a married or closely related claimant
 27 as described in subsection (1) of this section, the percentage of
 1 the exempt amount for which the claimant shall be eligible shall be
 2 the percentage in Column B which corresponds with the claimant's
 3 household income in Column A in the table found in this subsection.

4	Column A	Column B
5	Household Income	Percentage

	In Dollars	Of Relief
6		
7	0 through 24,700	100
8	24,701 through 25,900	85
9	25,901 through 27,100	70
10	27,101 through 28,300	55
11	28,301 through 29,500	40
12	29,501 through 30,700	25
13	30,701 and over	0

14 (3) For 2000, for a single claimant as described in
 15 subsection (1) of this section, the percentage of the exempt amount
 16 for which the claimant shall be eligible shall be the percentage in
 17 Column B which corresponds with the claimant's household income in
 18 Column A in the table found in this subsection.

	Column A	Column B
	Household Income	Percentage
	In Dollars	Of Relief
22	0 through 21,600	100
23	21,601 through 22,600	85
24	22,601 through 23,600	70
25	23,601 through 24,600	55
26	24,601 through 25,600	40
27	25,601 through 26,600	25
1	26,601 and over	0

2 (4) For exemption applications filed in calendar year
 3 2001 and each year thereafter, the income eligibility amounts in
 4 subsections (2) and (3) of this section shall be adjusted for
 5 inflation by the method provided in section 151 of the Internal
 6 Revenue Code. The income eligibility amounts shall be adjusted for
 7 cumulative inflation since 2000. If any amount is not a multiple
 8 of one hundred dollars, the amount shall be rounded to the next
 9 lower multiple of one hundred dollars.

10 Sec. 3. Sections 1, 3, 5, and 6 of this act become
 11 operative on July 1, 2000. The other sections of this act become
 12 operative on January 1, 2000.

13 Sec. 4. Original section 77-3508, Revised Statutes
 14 Supplement, 1999, is repealed.

15 Sec. 5. Original section 13-502, Reissue Revised
 16 Statutes of Nebraska, is repealed.

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

Senator Bourne offered the following amendment to the Wickersham-
 Beutler pending amendment:

FA404

Amend AM3361

On page 2 line 10, reinstate stricken matter and delete "and"

PRESIDENT MAURSTAD PRESIDING

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bourne moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Wickersham requested a roll call vote, in reverse order, on the Bourne amendment.

Voting in the affirmative, 18:

Aguilar	Bourne	Byars	Chambers	Connealy
Crosby	Hilgert	Kiel	Lynch	Pedersen, Dw.
Quandahl	Robak	Schimek	Schmitt	Smith
Suttle	Thompson	Tyson		

Voting in the negative, 11:

Bromm	Bruning	Hartnett	Kristensen	Matzke
Raikes	Redfield	Stuhr	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 17:

Baker	Beutler	Bohlke	Brashear	Brown
Coordsen	Cudaback	Dickey	Dierks	Engel
Hudkins	Janssen	Jensen	Jones	Pederson, D.
Preister	Schrock			

Excused and not voting, 3:

Kremer	Landis	Price
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The Bourne amendment lost with 18 ayes, 11 nays, 17 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne requested a roll call vote on the Wickersham-Beutler amendment, AM3361.

Voting in the affirmative, 27:

Baker	Beutler	Bromm	Bruning	Byars
Coordsen	Crosby	Dickey	Dierks	Hartnett
Hudkins	Janssen	Jensen	Jones	Kristensen
Matzke	Pedersen, Dw.	Pederson, D.	Raikes	Redfield
Schmitt	Schrock	Smith	Stuhr	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 8:

Aguilar Kiel	Bourne Quandahl	Chambers Suttle	Connealy	Hilgert
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Present and not voting, 11:

Bohlke Lynch Tyson	Brashear Preister	Brown Robak	Cudaback Schimek	Engel Thompson
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Excused and not voting, 3:

Kremer	Landis	Price
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The Wickersham-Beutler amendment was adopted with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Senator Hilgert offered the following amendment:
AM3363

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-3504, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-3504. Household income means the total federal
- 5 adjusted gross income, as defined in the Internal Revenue Code,
- 6 plus (1) any Nebraska adjustments increasing the total federal
- 7 adjusted gross income, (2) any interest or dividends received by
- 8 the owner regarding obligations of the State of Nebraska or any
- 9 political subdivision, authority, commission, or instrumentality
- 10 thereof to the extent excluded in the computation of gross income
- 11 for federal income tax purposes, and (3) any social security or
- 12 railroad retirement benefit to the extent excluded in the
- 13 computation of gross income for federal income tax purposes, of the
- 14 claimant and spouse, and any additional owners who are natural
- 15 persons and who occupy the homestead, for the taxable year of the
- 16 claimant immediately prior to the year for which the claim for
- 17 exemption is made, less all medical expenses actually incurred and
- 18 paid by the claimant, his or her spouse, or any owner-occupant
- 19 which are in excess of four percent of household income calculated
- 20 prior to the deduction for medical expenses. For purposes of this
- 21 section, medical expenses means the costs of health insurance
- 22 premiums and the costs of goods and services purchased from a
- 23 person licensed under Chapter 71, article 1 or 47, or a facility
- 24 licensed pursuant to Chapter 71, article 20, for purposes of
 - 1 restoring or maintaining health, including insulin and prescription
 - 2 medicine but not including nonprescription medicine. For purposes
 - 3 of this section, the amount of social security benefits received by
 - 4 a claimant as described in subdivision (1)(b) or (c) of section
 - 5 77-3508 shall be reduced by the amount of social security benefits

6 which the claimant received solely because of his or her disability
 7 in the last full year the claimant received social security
 8 disability benefits."

9 2. Correct the operative date and repealer so that the
 10 section added by this amendment becomes operative on January 1,
 11 2001.

12 3. Renumber the remaining sections accordingly.

Senator Hilgert moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Hilgert requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Aguilar	Bourne	Chambers	Connealy	Crosby
Hilgert	Kiel	Lynch	Pedersen, Dw.	Preister
Quandahl	Robak	Schimek	Smith	Suttle
Thompson	Tyson			

Voting in the negative, 20:

Baker	Beutler	Bromm	Brown	Bruning
Byars	Dickey	Dierks	Engel	Jones
Kristensen	Matzke	Pederson, D.	Raikes	Redfield
Schrock	Stuhr	Vrtiska	Wehrbein	Wickersham

Present and not voting, 9:

Bohlke	Brashear	Coordsen	Cudaback	Hartnett
Hudkins	Janssen	Jensen	Schmitt	

Excused and not voting, 3:

Kremer	Landis	Price
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The Hilgert amendment lost with 17 ayes, 20 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne moved to bracket LB 1279 until April 12, 2000.

Senator Bourne withdrew his motion to bracket.

Advanced to E & R for engrossment.

Senator Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 819. E & R amendment, AM7269, found on page 1636, was adopted.

Senator Jensen offered the following amendment:
AM3349

(Amendments to Standing Committee amendments, AM3133)

- 1 1. On page 4, line 21, strike "a" and insert "the"; and
- 2 in line 22 strike "owned and operated by" and insert "of".
- 3 2. On page 7, line 5, after "to" insert "four or more".
- 4 3. On page 18, line 11, after the comma insert "or"; in
- 5 line 12 strike the comma; and in line 13 strike "or other public
- 6 officials".
- 7 4. On page 23, strike beginning with "When" in line 22
- 8 through the period in line 27 and insert "A copy of the notice in
- 9 subsection (1) of this section shall also be mailed to the holder
- 10 of the license if the holder of such license is not actually
- 11 involved in the daily operation of the facility or service.".
- 12 5. On page 24, line 1, strike "also".
- 13 6. On page 107, strike beginning with "an" in line 10
- 14 through "Act" in line 12, show the old matter as stricken, and
- 15 insert "health care facility as defined in section 13 of this act".

The Jensen amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 819A. Senator Jensen offered the following amendment:
AM3366

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$168,483
- 4 from the Department of Health and Human Services Regulation and
- 5 Licensure Cash Fund for FY2000-01 and (2) \$382,615 from the
- 6 Department of Health and Human Services Regulation and Licensure
- 7 Cash Fund for FY2001-02 to the Department of Health and Human
- 8 Services Regulation and Licensure, for Program 177, to aid in
- 9 carrying out the provisions of Legislative Bill 819, Ninety-sixth
- 10 Legislature, Second Session, 2000.
- 11 Total expenditures for permanent and temporary salaries
- 12 and per diems from funds appropriated in this section shall not
- 13 exceed \$83,731 for FY2000-01 or \$96,487 for FY2001-02."

The Jensen amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1025. E & R amendment, AM7270, found on page 1637, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1025A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1116. E & R amendment, AM7273, printed separately and referred to on page 1637, was adopted.

Advanced to E & R for engrossment.

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 Accountability and Disclosure Commission

Napoleon Agonor
Marilee Fredrickson
Nancy Reckewey

VOTE: Aye: Senators Aguilar, Cudaback, Janssen, Quandahl, Schimek, Schmitt, Smith, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

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

David Howell

VOTE: Aye: Senators Dickey, Dierks, Hilgert, Janssen, Schrock, and Vrtiska. Nay: None. Absent: Senator Cudaback. Present, Not Voting: Senator Chambers.

(Signed) Merton L. Dierks, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 498. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Dickey, 18; Hilgert, 7; Janssen, 15; Schrock, 38; Vrtiska, 1.

PURPOSE: The purpose of this resolution is to examine issues associated with LB 1432, Ninety-sixth Legislature, Second Session. LB 1432 provided a procedure for the resolution of disputes involving the fairness of lease terms between agricultural tenants occupying land owned by railroads or their successors in interest. The study shall examine the implementation of similar laws in other states and seek information regarding the extent to which states may constitutionally intervene in such disputes and whether a compelling state interest exists in doing so.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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 499. Introduced by Chambers, 11.

WHEREAS, the Legislature in 1988 enacted LB 876 which mandated the convening of a grand jury when a person dies while being apprehended by or while in the custody of a law enforcement officer or detention personnel;

WHEREAS, the Legislature in 1999 enacted LB 72 which mandated the appointment of a special prosecutor when a person dies while being apprehended by or while in the custody of a law enforcement officer or detention personnel;

WHEREAS, the provisions of both enactments are found in section 29-1401;

WHEREAS, courts and judges throughout the state have complied with the provisions of both enactments since their respective effective dates;

WHEREAS, on January 10, 2000, Deuel County District Judge Brian C. Silverman entered an order (In The Matter of A Grand Jury for The District Court in And for Deuel County, Doc. 14, Page 266) finding the above-referenced provisions unconstitutional, as "constitut(ing) an unlawful delegation and exercise of executive powers in violation of Art. 11, section 1, of the Nebraska Constitution";

WHEREAS, the deadline to appeal Judge Silverman's decision was February 9, 2000;

WHEREAS, the Deuel County Attorney did not timely appeal Judge Silverman's decision;

WHEREAS, the Attorney General did not timely appeal Judge Silverman's decision despite having (a) concurrent authority with the county attorney to do so pursuant to section 84-204, and (b) the duty to appeal pursuant to the first sentence of subdivision (10) of section 84-205;

WHEREAS, Judge Silverman's decision does not have statewide effect nor is it binding on any other judge of equal or higher jurisdiction;

WHEREAS, as long as Judge Silverman's decision remains intact, the law relative to grand juries will not be complied with in a segment of the state;

WHEREAS, in order to maintain public confidence in the integrity of the law, enforcement must not be spotty nor based on the opinion of a single, lower-court judge;

WHEREAS, the Uniform Declaratory Judgments Act, sections 25-21,149 to 25-21,164, is the appropriate method to obtain judicial determination of a statute's validity (State ex rel. Spire v. Northwestern Bell Tel. Co., 233 Neb. 262, 1989)

WHEREAS, section 25-2156 states "The writ of mandamus may be issued to any inferior tribunal . . . to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station";

WHEREAS, the Attorney General is empowered to seek either a declaratory judgment or a writ of mandamus;

WHEREAS, section 84-205 is mandatory and provides: "The duties of the Attorney General shall be: . . . (10) When requested by the . . . Legislature, the Attorney General shall appear for the state and prosecute or defend any action . . . in which the state is interested or a party before any court . . .";

WHEREAS, the state has an interest in the complete and uniform enforcement of statutes.

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

1. The Legislature hereby requests the Attorney General to commence immediately the process of preparing and filing the appropriate action in the appropriate court to (a) obtain compliance by Judge Silverman with section 29-1401 or (b) obtain a declaratory judgment to obtain judicial determination of the validity of section 29-1401.

Laid over.

LEGISLATIVE RESOLUTION 500. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Brown, 6; Crosby, 29; Engel, 17; Kiel, 9; Matzke, 47; D. Pederson, 42.

PURPOSE: On January 10, 2000, the Legislative Program Evaluation Committee released the Nebraska Ethanol Board Final Report. The report found that a policy question exists relative to the role of the board. The question arises because the Legislature has adopted a policy of moving away from the direct incentives that were used initially to attract ethanol plants to the state. The board has shifted its focus as well and now concentrates on opening new markets and promoting ethanol. The committee believes that these changes signal a need for legislative discussion of the appropriate role of the board.

The purpose of this study is to determine whether the board's current emphasis on opening new markets and promoting ethanol is an effective use of state resources and to provide direction to the board, either in support of its current efforts or as a means of refocusing the board's role and responsibilities.

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

1. That the Appropriations, Legislative Program Evaluation, and the Natural Resources 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 their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 1213 to Select File

Senator Raikes moved to return LB 1213 to Select File for his specific amendment, AM3138, found on page 1464.

Senator Raikes withdrew his motion to return.

Senator Raikes moved to return LB 1213 for the following specific amendment:
AM3369

(Amendments to Final Reading copy)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 79-1029, Revised Statutes
4 Supplement, 1999, is amended to read:
5 79-1029. (1) A Class II, III, IV, V, or VI district may
6 exceed the basic allowable growth rate prescribed in section
7 79-1025 upon an affirmative vote of at least seventy-five percent
8 of the board. The total growth shall not exceed the applicable
9 allowable growth percentage certified for the local system under
10 section 79-1026 plus one percent. The vote shall be taken at a
11 public meeting of the board following a special public hearing
12 called for the purpose of receiving testimony on such proposed
13 increase. The board shall give at least five calendar days' notice
14 of such public hearing and shall publish such notice at least once
15 in a newspaper of general circulation in the local system.
16 (2) A Class II, III, IV, V, or VI district may exceed the
17 applicable allowable growth percentage prescribed in section
18 79-1026 by an amount approved by a majority of legal voters voting
19 on the issue at a primary, general, or special election called for
20 such purpose upon the recommendation of the board or upon the
21 receipt by the county clerk or election commissioner of a petition
22 requesting an election signed by at least five percent of the legal
23 voters of the district. The recommendation of the board or the
1 petition of the legal voters shall include the amount and
2 percentage by which the board would increase its general fund
3 budget of expenditures for the ensuing school year over and above
4 the current year's general fund budget of expenditures. The county

5 clerk or election commissioner shall place the question on the
6 primary or general election ballot or call for a special election
7 on the issue within fifteen days after the receipt of such board
8 recommendation or legal voter petition. The election shall be held
9 pursuant to the Election Act or section 77-3444, and all costs for
10 a special election shall be paid by the district. The issue A vote
11 to exceed the applicable allowable growth percentage may be
12 approved on the same question as a vote to exceed the levy limits
13 provided in section 77-3444.

14 Sec. 2. Original section 79-1029, Revised Statutes
15 Supplement, 1999, is repealed."

16 2. On page 1, strike beginning with the second "to" in
17 line 1 through line 13 and insert "to amend section 79-1029,
18 Revised Statutes Supplement, 1999; to change provisions relating to
19 growth rate override elections; and to repeal the original
20 section."

The Raikes motion to return prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules

Senator Raikes moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3369 to LB 1213.

The Raikes motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1213. The Raikes specific amendment, AM3369, found in this day's Journal, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1213 to Select File

Senator Bohlke moved to return LB 1213 to Select File for the Bohlke et al. specific amendment, AM3234, printed separately and referred to on page 1497.

Senators Quandahl and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bohlke withdrew her motion to return.

Senator Bohlke moved to return LB 1213 to Select File for the Bohlke et al. specific amendment, AM3318, printed separately and referred to on page 1618.

Senator Bohlke withdrew her motion to return.

WITHDRAW - Amendment to LB 1213

Senator Bromm withdrew his amendment, AM3340, found on page 1653, to LB 1213.

MOTION - Return LB 1213 to Select File

Senator Bromm moved to return LB 1213 to Select File for the following specific amendment:

AM3364

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 4. If the adjustment under section 79-1065 results
- 3 in a district being entitled to the payment of additional funds,
- 4 the district may apply to the department for a lump-sum payment for
- 5 any amount up to one hundred percent of the adjustment. The
- 6 department shall notify the Director of Administrative Services of
- 7 the amount of funds to be paid in a lump sum and the reduced amount
- 8 of the monthly payments pursuant to section 79-1022. The
- 9 department shall make such payment in a lump sum not later than the
- 10 last business day of September of the year in which the final
- 11 determination under this section is made, except that when a school
- 12 district is to receive a monthly payment of less than one thousand
- 13 dollars, such payment shall be one lump-sum payment on the last
- 14 business day of December during the ensuing school fiscal year."
- 15 2. Renumber the remaining sections accordingly.

The Bromm motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1213. The Bromm specific amendment, AM3364, found in this day's Journal, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1213 to Select File

Senator Bohlke moved to return LB 1213 to Select File for her reoffered specific amendment, AM3234, printed separately and referred to on page 1497 and considered in this day's Journal.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Bohlke withdrew her motion to return.

Senator Wehrbein moved to return LB 1213 to Select File for the following Wehrbein-Bohlke specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3374.)

Senator Bruning asked unanimous consent to be excused until he returns.
No objections. So ordered.

PRESIDENT MAURSTAD PRESIDING

Senator Jones moved the previous question. The question is, "Shall the debate now close?"

Senator Jones requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Aguilar	Baker	Bohlke	Bromm	Byars
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hudkins	Janssen	Jones	Kremer
Kristensen	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Redfield	Schmitt	Schrock	Smith	Stuhr
Vrtiska	Wehrbein			

Voting in the negative, 16:

Beutler	Bourne	Brashear	Brown	Chambers
Connealy	Hilgert	Jensen	Preister	Raikes
Robak	Schimek	Suttle	Thompson	Tyson
Wickersham				

Present and not voting, 1:

Hartnett

Excused and not voting, 5:

Bruning	Kiel	Landis	Price	Quandahl
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The motion to cease debate prevailed with 27 ayes, 16 nays, 1 present and not voting, and 5 excused and not voting.

The Wehrbein motion to return failed with 22 ayes, 21 nays, 1 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 819, 819A, 972, 972A, 1021, 1025, 1025A, 1101, 1101A, 1116, 1279, and 1361.

Enrollment and Review Change to LB 819

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

ER9169

1. In the Jensen amendment, AM3349, on page 1, line 15, "a" has been inserted before "health".

2. In the E & R amendments, AM7269, on page 1, line 19, "18" has been struck and "8" inserted.

3. In the Jensen amendment, AM3242, on page 1, the matter beginning with "strike" in line 14 through line 15 has been struck and "after '24' insert 'or 29'." inserted; and the matter beginning with "strike" in line 17 through the semicolon in line 18 has been struck and "after '24' insert 'or 29';" inserted.

4. In the Standing Committee amendment, AM3133:

a. On page 9, line 26, an underscored comma has been inserted after "Act";

b. On page 24, line 8, "applicant or" has been inserted before the first "licensee"; and in line 27 "a licensee" and all amendments thereto have been struck and "an applicant or a licensee" inserted;

c. On page 39, line 4, "subdivision" has been struck, shown as stricken, and "subsection" inserted;

d. On page 80, line 23, the new matter has been struck;

e. On page 98, lines 6, 15, 19, and 24, "hospital or" has been struck and shown as stricken; and in lines 6, 15, 19, and 25 "or hospital" has been inserted after "center";

f. On page 102, line 24, "in" has been inserted before "sections";

g. On page 106, line 17, "or her" has been inserted after "his"; and in line 22 an underscored comma has been inserted after "Act";

h. On page 108, line 18, "the" has been inserted after "from";

i. On page 117, line 1, "or hospital" has been inserted after "facility";

j. On page 120, line 7, "to" has been inserted after "furnished"; and

k. On page 128, line 25, "an" has been inserted before "intermediate".

Enrollment and Review Change to LB 972

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

ER9172

1. In the E & R amendment, AM7274, on page 2, line 27, an underscored comma has been inserted after "that".

Enrollment and Review Change to LB 972A

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

ER9171

1. In the Brown amendment, AM3120, on page 2, line 5, "and" has been struck.

Enrollment and Review Change to LB 1021

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

ER9173

1. In lieu of the Coordsen amendment, FA403, in the Schimek et al. amendment, AM3321, section 4 has been struck and the following new section inserted:

"Sec. 4. Relative shall mean any person related to another by blood or marriage to the third degree of consanguinity, including a foster parent, foster child, stepparent, stepchild, and adopted children and their adoptive parents."

2. In the E & R amendments, AM7267, on page 9, line 25, "49-1403, 49-1423," has been inserted before "49-1483"; and in line 27 "to define and redefine terms;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1279

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

ER9165

1. On page 1, the matter beginning with "budgets" in line 1 through line 9 has been struck and "revenue and taxation; to amend section 13-502, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Budget Act and homestead exemptions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1361

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

ER9174

1. In the Bromm amendment, AM3328:

a. Sections have been renumbered to incorporate the Preister amendment;

b. On page 2, lines 26 and 27, "Reissue Revised Statutes of Nebraska" has been struck and "Revised Statutes Supplement, 1999" inserted; and

c. On page 24, line 6, "60-680," has been inserted after the first comma; in line 7 "60-6,288," has been struck; and in line 8 "75-363" has been struck and "60-6,288, 75-363," inserted.

2. In the Preister amendment, AM3233, amendment 2 has been struck.

3. On page 1, the matter beginning with "motor" in line 1 through line 4 has been struck and "transportation; to amend sections 60-625, 60-680, 60-6,133, 60-6,232, 60-6,289, 60-6,290, 60-6,294, 60-6,298, and 60-6,301, Reissue Revised Statutes of Nebraska, and sections 60-6,288, 75-363, and 75-364, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Rules of the Road, motor carrier safety regulations, and hazardous material regulations; to prohibit the use of engine brakes and change passing requirements as prescribed; to change and eliminate size, weight, and length limitations, overload exceptions, and permit provisions; to define a term; to change effective dates; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Adrian M. Smith, Chairperson

EASE

The Legislature was at ease from 7:45 p.m. until 7:47 p.m.

MOTION - Return LB 1213 to Select File

Senator Brashear moved to return LB 1213 to Select File for the following specific amendment:

FA405

Add the following new sections

22 Section 79-1072.02, Revised Statutes Supplement,

23 1999, is amended to read:

24 79-1072.02. The Hardship Fund is created. Money in the
25 fund shall be distributed to school districts pursuant to section
26 79-1072.03 or may be transferred to the General Fund at the
27 direction of the Legislature. The fund shall consist of funds

1 appropriated by the Legislature and funds repaid and interest paid

2 by districts as required by section 79-1072.03. Any money in the

3 fund available for investment shall be invested by the state

4 investment officer pursuant to the Nebraska Capital Expansion Act

5 and the Nebraska State Funds Investment Act.

14 On July 1, 2000, or as soon as possible thereafter the

15 State Treasurer shall transfer \$2,865,000 from the Hardship Fund to

16 the General Fund.

Pending.

MOTION - Adjournment

Senator Jensen moved to adjourn until 9:00 a.m., Tuesday, April 11, 2000.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Pending.

MOTION - Recess

Senator Chambers moved to recess until 8:15 p.m., April 10, 2000.

The Chambers motion to recess failed with 8 ayes, 22 nays, 14 present and not voting, and 5 excused and not voting.

MOTION - Adjournment

The Jensen pending motion, found in this day's Journal, to adjourn until 9:00 a.m., Tuesday, April 11, 2000, was renewed.

Senator Chambers requested a roll call vote on the Jensen motion to adjourn.

Voting in the affirmative, 7:

Aguilar	Bohlke	Coordsen	Dierks	Jensen
Jones	Matzke			

Voting in the negative, 27:

Baker	Brashear	Bromm	Byars	Chambers
Connealy	Crosby	Cudaback	Engel	Hudkins
Janssen	Kremer	Lynch	Pedersen, Dw.	Pederson, D.
Preister	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Suttle	Thompson	Vrtiska
Wehrbein	Wickersham			

Present and not voting, 10:

Beutler	Bourne	Brown	Dickey	Hartnett
Hilgert	Kristensen	Schmitt	Stuhr	Tyson

Excused and not voting, 5:

Bruning	Kiel	Landis	Price	Quandahl
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The Jensen motion to adjourn failed with 7 ayes, 27 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

MOTION - Return LB 1213 to Select File

Senator Brashear renewed his pending motion, found in this day's Journal, to return LB 1213 to Select File for his specific amendment, FA405, found in this day's Journal.

Senator Bohlke asked unanimous consent to bracket LB 1213 until April 12, 2000.

Senator Chambers objected.

Senator Bohlke moved to bracket LB 1213 until April 12, 2000.

Senator Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Bohlke motion to bracket prevailed with 26 ayes, 13 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 659. Senator Lynch renewed the Lynch-Janssen pending amendment, AM3206, printed separately and referred to on page 1475 and considered on page 1603.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Senator Lynch requested a roll call vote on the Lynch-Janssen amendment.

Voting in the affirmative, 18:

Aguilar	Beutler	Bohlke	Bourne	Bromm
Byars	Connealy	Crosby	Cudaback	Janssen
Kristensen	Lynch	Robak	Schmitt	Schrock
Smith	Thompson	Wickersham		

Voting in the negative, 22:

Baker	Brashear	Brown	Chambers	Coordsen
Dickey	Dierks	Engel	Hudkins	Jensen
Jones	Kremer	Matzke	Pederson, D.	Preister
Raikes	Redfield	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein			

Present and not voting, 4:

Hartnett	Hilgert	Pedersen, Dw.	Schimek	
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Excused and not voting, 5:

Bruning	Kiel	Landis	Price	Quandahl
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The Lynch-Janssen amendment lost with 18 ayes, 22 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Smith offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3362)

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Dw. Pedersen requested a record vote on the Smith amendment.

Voting in the affirmative, 33:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Byars	Chambers	Coordsen	Crosby
Cudaback	Dickey	Dierks	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Lynch	Matzke	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 1:

Robak

Present and not voting, 9:

Beutler	Bromm	Connealy	Engel	Janssen
Pedersen, Dw.	Pederson, D.	Schmitt	Wickersham	

Excused and not voting, 6:

Bruning	Kiel	Landis	Preister	Price
Quandahl				

The Smith amendment was adopted with 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 659A. Senator Smith withdrew his amendment, AM2743, found on page 998.

Senator Smith offered the following amendment:
AM3373

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

3 "Section 1. There is hereby appropriated (1) \$57,743
 4 from the Compulsive Gamblers Assistance Fund for FY2000-01 and (2)
 5 \$57,743 from the Compulsive Gamblers Assistance Fund for FY2001-02
 6 to the Department of Health and Human Services, for Program 33, to
 7 aid in carrying out the provisions of Legislative Bill 659,
 8 Ninety-sixth Legislature, Second Session, 2000.
 9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$34,631 for FY2000-01 or \$36,637 for FY2001-02.
 12 Sec. 2. There is hereby appropriated (1) \$760,257 from
 13 the Compulsive Gamblers Assistance Fund for FY2000-01 and (2)
 14 \$754,257 from the Compulsive Gamblers Assistance Fund for FY2001-02
 15 to the Department of Health and Human Services Finance and Support,
 16 for Program 34, to aid in carrying out the provisions of
 17 Legislative Bill 659, Ninety-sixth Legislature, Second Session,
 18 2000.
 19 No expenditures for permanent and temporary salaries and
 20 per diems for state employees shall be made from funds appropriated
 21 in this section."

The Smith amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 1107A

Senator Wickersham withdrew his amendment, AM3286, found on page 1587, to LB 1107A.

UNANIMOUS CONSENT - Members Excused

Senators Robak, Hilgert, and Bourne asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 1107A to Select File

Senator Wickersham moved to return LB 1107A to Select File for the following Wickersham-Hartnett specific amendment:
 AM3367

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-1590, Revised Statutes
- 4 Supplement, 1999, is amended to read:
- 5 71-1590. (1) The real and personal property of a local
- 6 housing agency and any wholly owned controlled affiliate thereof
- 7 used solely (a) for the administrative offices of the housing
- 8 agency or wholly owned controlled affiliate thereof, (b) to provide

9 housing for persons of eligible income and qualifying tenants, and
10 (c) for appurtenances related to such housing shall be exempt from
11 all taxes and special assessments of any city, any county, the
12 state, or any public agency thereof, including without limitation
13 any special taxing district or similar political subdivision. All
14 other real and personal property of the housing agency or wholly
15 owned controlled affiliate thereof shall be deemed to not be used
16 for a public purpose for purposes of section 77-202 and shall be
17 taxable as provided in sections 77-201 and 77-202.11. Property
18 owned jointly by a housing agency or its wholly owned controlled
19 affiliates with other nongovernmental persons or entities shall be
20 exempt from such taxes and assessments to the extent of the
21 ownership interest which the housing agency and its wholly owned
22 controlled affiliates hold in the property and to the extent the
23 property is used solely to provide housing for persons of eligible
1 income and qualifying tenants. Nothing in this section shall be
2 deemed to preclude a housing agency and its wholly owned controlled
3 affiliates from entering into an agreement for the payment of all
4 or any portion of any special assessments which might otherwise be
5 assessed except for the exemption created by this section.

6 (2) A housing agency may agree to make payments in lieu
7 of all taxes or special assessments to the county within whose
8 territorial jurisdiction any development of such housing agency or
9 its controlled affiliates is located, for improvements, services,
10 and facilities furnished by the city, county, or other public
11 agencies, for the benefit of such development. Nothing contained
12 in this section shall be deemed to require such an agreement by a
13 local housing agency, and in no event shall the amounts payable by
14 the housing agency exceed the amounts which, except for the
15 exemption provided in this section, would otherwise be payable
16 under regular taxes and special assessments for similar properties
17 referred to in subsection (1) of this section. All payments in
18 lieu of taxes made by any such housing agency shall be distributed
19 by the county to all public agencies in such proportion that each
20 public agency shall receive from the total payment the same
21 proportion as its property tax rate bears to the total property tax
22 which would be levied by each public agency against property of the
23 housing agency if the same were not exempt from taxation.

24 (3) The property of Indian housing authorities created
25 under Indian law shall be exempt from all taxes and special
26 assessments of the state or any city, village, or public agency
27 thereof. In lieu of such taxes or special assessments, an Indian
1 housing authority may agree to make payments to any city, village,
2 or public agency for improvements, services, or facilities
3 furnished by such city, village, or public agency for the benefit
4 of a housing project owned by the housing authority, but in no
5 event shall such payments exceed the estimated cost to such city,
6 village, or public agency of the improvements, services, or
7 facilities to be so furnished. All payments made by any such

8 housing authority in lieu of taxes, whether such payments are
 9 contractually stipulated or gratuitous voluntary payments, shall be
 10 distributed among the cities, villages, or public agencies within
 11 which the housing project is located, in such proportion that each
 12 city, village, or public agency shall receive from the total
 13 payment the same proportion as its ad valorem tax rate bears to the
 14 total ad valorem tax rate which would be levied by each city,
 15 village, or public agency against the properties of the Indian
 16 housing authority if the same were not exempt from taxation. For
 17 purposes of this section, (a) Indian housing authority means an
 18 entity that is authorized by federal law to engage or assist in the
 19 development or operation of low-income housing for Indians and
 20 which is established by the exercise of the power of
 21 self-government of an Indian tribe and (b) Indian law means the
 22 code of an Indian tribe recognized as eligible for services
 23 provided to Indians by the United States Secretary of the Interior.
 24 Sec. 2. Original section 71-1590, Revised Statutes
 25 Supplement, 1999, is repealed."

The Wickersham motion to return prevailed with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

MOTION - Suspend Rules

Senator Wickersham moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3367, to LB 1107A.

The Wickersham motion to suspend the rules prevailed with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1107A. The Wickersham-Hartnett specific amendment, AM3367, found in this day's Journal, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

EASE

The Legislature was at ease from 9:40 p.m. until 9:51 p.m.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 1107A and 1213.

Correctly Engrossed

The following bills were correctly engrossed: LBs 659 and 659A.

Enrollment and Review Change to LB 659

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

ER9168

1. On page 1, the matter beginning with "the" in line 1 through line 9 and all amendments thereto have been struck and "gambling; to amend sections 9-1,101, 83-162.04, and 83-162.06, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1999; to change provisions relating to the Compulsive Gamblers Assistance Fund; to provide for transfers; to provide duties; to harmonize provisions; and to repeal the original sections." inserted.

**Enrollment and Review Change to LB 1107A
(Final Reading Copy)**

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

ER9167

1. On page 1, the matter beginning with "appropriations" in line 1 through line 3 has been struck and "the Nebraska Housing Agency Act; to amend section 71-1590, Revised Statutes Supplement, 1999; to authorize in lieu of tax payments for Indian housing authorities as prescribed; to define terms; to provide powers; and to repeal the original section." inserted.

**Enrollment and Review Change to LB 1213
(Final Reading copy)**

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

ER9175

1. Changes have been made as necessary to incorporate all adopted amendments.

(Signed) Adrian M. Smith, Chairperson

VISITORS

Visitors to the Chamber were 35 fifth grade students and teachers from Doniphan Elementary School; 30 fifth and sixth grade students and teacher from Platte Center Elementary School; 60 fourth, fifth, and sixth grade students and sponsors from Silver Lake School, Bladen; 30 fourth grade students and teachers from Shelton Public Schools; 40 fifth through eighth grade students and teachers from Boone County Rural Schools, Albion; 20 fifth through eighth grade students and teachers from Lisco Public School;

1700

LEGISLATIVE JOURNAL

and 45 fifth grade students and teacher from Creighton Elementary School.

ADJOURNMENT

At 9:51 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 11, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 11, 2000

PRAYER

The prayer was offered by Reverend Scott Evans, United Methodist Church of Christ, Wisner, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Bohlke, Bourne, Brashear, Brown, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1661, line 21, strike "offered the following" and insert "renewed their". The Journal for the fifty-eighth day was approved as corrected.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 490, 491, 492, and 493 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 490, 491, 492, and 493.

RESOLUTION

LEGISLATIVE RESOLUTION 367. Read. Considered.

LR 367 was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

MOTION - Return LB 26 to Select File

Senator Bromm moved to return LB 26 to Select File for the following specific amendment:

FA406

Strike the enacting clause.

Senator Bromm withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 26.

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

Whereupon the 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:

Aguilar	Brashear	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Kiel	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Robak	Schimek	Schmitt
Schrock	Smith	Suttle	Thompson	Vrtiska
Wickersham				

Voting in the negative, 7:

Baker	Bromm	Jones	Kremer	Raikes
Redfield	Tyson			

Present and not voting, 4:

Beutler	Brown	Stuhr	Wehrbein
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Excused and not voting, 2:

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

LEGISLATIVE BILL 26A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 26, Ninety-sixth Legislature, Second Session, 2000.

Whereupon the 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:

Aguilar	Brashear	Bromm	Brown	Bruning
Byars	Chambers	Connealy	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Robak	Schimek	Schmitt	Schrock
Smith	Suttle	Thompson	Vrtiska	Wickersham

Voting in the negative, 2:

Redfield Tyson

Present and not voting, 5:

Baker Beutler Jones Stuhr Wehrbein

Excused and not voting, 2:

Bohlke Bourne

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

LEGISLATIVE BILL 349.

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.

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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy

Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 2:

Bohlke Bourne

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

LEGISLATIVE BILL 495. With Emergency.

A BILL FOR AN ACT relating to education; to adopt the Education and Career Preparation Act; to create a task force; 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, 44:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 4:

Brown Jensen Robak Tyson

Excused and not voting, 1:

Bourne

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 495A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 495, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 5:

Brown	Hilgert	Redfield	Robak	Tyson
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Excused and not voting, 1:

Bourne

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 825. With Emergency.

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.

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:

Aguilar	Baker	Beutler	Brashear	Bromm
Bruning	Byars	Chambers	Connealy	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 5:

Bohlke	Brown	Kremer	Pederson, D.	Schmitt
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Excused and not voting, 1:

Bourne

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 825A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 825, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 4:

Brown Lynch Pederson, D. Schmitt

Excused and not voting, 1:

Bourne

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 901.

A BILL FOR AN ACT relating to public utilities; to amend sections 46-154, 70-609, 70-624.02, 70-624.03, 70-1001, 70-1003, and 70-1023, Reissue Revised Statutes of Nebraska, and section 11-201, Revised Statutes Supplement, 1998; to change provisions relating to the Nebraska Power Review Board and public utility districts and boards of directors; to provide intent; to define terms; to provide powers and duties; to eliminate a bond requirement; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-617, 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

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 901A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 901, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Raikes	Redfield	Robak	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 4:

Preister	Price	Quandahl	Schimek
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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 956.

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

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Dickey	Dierks
Engel	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 1:

Crosby

Present and not voting, 3:

Hilgert	Schmitt	Vrtiska
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Excused and not voting, 1:

Bourne

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 1003 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 1003.

A BILL FOR AN ACT relating to education; to amend section 77-2716, Revised Statutes Supplement, 1998; to establish an education savings plan; to create funds; to provide for administration of the plan; to harmonize provisions; to provide operative dates; 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:

Aguilar	Baker	Bohlke	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy

Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 2:

Beutler Redfield

Excused and not voting, 1:

Bourne

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 1003A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 45:

Aguilar	Baker	Bohlke	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Beutler Redfield Robak

Excused and not voting, 1:

Bourne

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 1004 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 1004.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196 and 60-6,197, Revised Statutes Supplement, 1999; to recognize certain out-of-state convictions for purposes of assessing penalties; to change penalty provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 1:

Bourne

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 1008. With Emergency.

A BILL FOR AN ACT relating to the criminal justice system; to amend sections 29-2261, 29-2521.02, and 81-1425, Reissue Revised Statutes of Nebraska, and Laws 1999, LB 76A, section 1; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to appropriate and reappropriate funds; to authorize access to and judicial notice of certain reports; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Bourne

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 1008A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1008, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 1:

Bourne

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

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1010.

A BILL FOR AN ACT relating to educational land; to amend sections 72-240.26, 72-257, 72-258, and 72-258.02, Reissue Revised Statutes of Nebraska; to define a term; to change procedures relating to appraisal and sale of land; 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, 29:

Aguilar	Baker	Bromm	Bruning	Byars
Coordsen	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Quandahl
Raikes	Redfield	Schmitt	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 15:

Beutler	Bohlke	Chambers	Connealy	Crosby
Cudaback	Dierks	Kristensen	Landis	Preister
Price	Robak	Schimek	Suttle	Thompson

Present and not voting, 3:

Brown	Dickey	Schrock
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Excused and not voting, 2:

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

Senator Connealy asked unanimous consent to be excused until he 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 1067 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 1067. With Emergency.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-485, 66-487, 66-488, 66-491, 66-492, 66-4,114, 66-4,147, 66-525, 66-527, 66-651, 66-654, 66-667, 66-673, 66-674, 66-675, 66-684, 66-694, 66-698, 66-6,110, 66-6,115, 66-719, 66-722, 66-723, and 66-727, Reissue Revised Statutes of Nebraska, and sections 66-4,141, 66-4,142, 66-4,144, 66-681, 66-718, and 66-1521, Revised Statutes Supplement, 1998; to change provisions relating to exporters, permits, licenses, penalties, and filings; to define and redefine terms; to change the manner of setting variable fuel tax rates; to eliminate the State Tax Board, obsolete provisions, and provisions relating to tax collection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-493, 66-4,115, 66-691.01, 66-696, and 66-730, Reissue Revised Statutes of Nebraska, and sections 77-501, 77-502, and 77-503, 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:

Aguilar	Baker	Beutler	Bohlke	Bromm
Brown	Bruning	Byars	Chambers	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Kiel Quandahl

Excused and not voting, 3:

Bourne Brashear Connealy

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

Senators Brown and D. Pederson asked unanimous consent to be excused until they return. 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 1086 with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1086.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 2-219, 9-1,104, 9-204.01, 9-226, 9-232.02, 9-232.03, 9-233, 9-241.03, 9-255.06, 9-322, 9-328, 9-329, 9-329.02, 9-345.01, 9-345.03, 9-418, 9-425, 9-426, 9-501, 9-507, 9-509, and 9-620, Reissue Revised Statutes of Nebraska; to provide for biennial licenses and fees; to change provisions relating to state, district, and county fairs, fingerprinting requirements, bingo cards, pickle cards, limited period bingo, and lotteries and raffles; to change and provide powers and duties; to redefine terms; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Coordsen	Crosby
Cudaback	Dickey	Dierks	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Bourne Brown Connealy 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 1167 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 1167. With Emergency.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-245, 43-250, 43-253, 43-254, 43-259, 43-265, 43-272, 43-276, 43-286, 43-2, 129, 43-2401 to 43-2406, 43-2408, 43-2409, 43-2411 to 43-2413, and 83-4, 125, Reissue Revised Statutes of Nebraska; to adopt the Nebraska County Juvenile Services Plan Act; to create the Juvenile Diversion, Detention, and Probation Services Implementation Team; to provide duties; to provide a termination date; to change provisions relating to the Nebraska Juvenile Code; to adopt the Court Appointed Special Advocate Act; to change and eliminate provisions relating to the Juvenile Services Act; to define and redefine terms; to eliminate the Juvenile Services Grant Committee; to establish the Nebraska Coalition for Juvenile Justice; to provide powers and duties; to eliminate an obsolete provision; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 43-2407, 43-2410, and 43-2414, 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, 42:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Coordsen	Crosby
Cudaback	Dickey	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Preister	Price	Quandahl	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Dierks	Raikes
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Excused and not voting, 4:

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

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1167A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1167, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
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Bromm	Bruning	Byars	Coordsen	Crosby
Cudaback	Dickey	Engel	Hartnett	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Preister	Price	Quandahl	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Dierks	Raikes
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Excused and not voting, 5:

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

LEGISLATIVE BILL 1200.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.04, 23-2319.01, 84-1310.01, 84-1311.03, 84-1314, and 84-1321.01, Reissue Revised Statutes of Nebraska, and sections 23-2309.01 and 23-2310.05, Revised Statutes Supplement, 1999; to change provisions relating to forfeitures, administrative expenses, and the crediting of funds; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Bourne Connealy Hilgert

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 1221 with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1221. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 44-5016, 48-118, 48-122.01, 48-124, 48-128, 48-144.04, 48-155, 48-162.02, 48-174, 48-179, 48-195, 48-196, and 48-1,107, Reissue Revised Statutes of Nebraska, and sections 48-120.02, 48-145, 48-145.04, and 48-162.01, Revised Statutes Supplement, 1999; to create, eliminate, and transfer funds; to change provisions relating to age of dependency, service of process, review, certification of managed care plans, and self-insurers; to eliminate certain duties of the Nebraska Workers' Compensation Court; 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, 45:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Chambers	Coordsen
Crosby	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Raikes	Redfield	Robak	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Byars Price

Excused and not voting, 2:

Bourne Connealy

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 1234 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1234.

A BILL FOR AN ACT relating to the environment; to amend sections 23-373, 76-2,112, 81-1532, 81-15,152, and 81-15,153, Reissue Revised Statutes of Nebraska, section 19-902, Revised Statutes Supplement, 1998, and section 23-114, Revised Statutes Supplement, 1999; to state intent; to define terms; to create the Niobrara Council; to provide powers and duties; to create a fund; to provide for grants for wastewater treatment facilities; to create the Ethanol Pricing Task Force; to provide duties and a termination date; to prohibit the sale of methyl tertiary butyl ether as prescribed; to provide for a study and findings relating to water quality monitoring; to eliminate provisions relating to the Niobrara River and wastewater treatment facility funds; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal section 81-1533, Reissue Revised Statutes of Nebraska, and sections 72-2001 to 72-2004, 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, 43:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Coordsen	Crosby	Cudaback	Dickey	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Kiel	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 4:

Connealy Dierks Price Robak

Present and not voting, 1:

Jones

Excused and not voting, 1:

Bourne

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

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1234A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, section 134; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1234, Ninety-sixth Legislature, Second Session, 2000; to change appropriations; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Dierks Robak

Excused and not voting, 2:

Bourne Brown

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

LEGISLATIVE BILL 1251.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1784, Reissue Revised Statutes of Nebraska; to require electronic payment of taxes as prescribed; to provide a penalty; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 2:

Jones Tyson

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 1304.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Reissue Revised Statutes of Nebraska; to change provisions relating to examinations of fire protection districts; 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:

Aguilar	Baker	Beutler	Bohlke	Brashear
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Bromm Kristensen Thompson

Excused and not voting, 1:

Bourne

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

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 6CA.

THE MEMBERS OF THE NINETY-SIXTH LEGISLATURE OF NEBRASKA, SECOND 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. Except as otherwise provided by law, 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 except as otherwise provided by law.

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, 43:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schmitt	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Schimek Tyson

Present and not voting, 2:

Lynch Schrock

Excused and not voting, 2:

Bourne Robak

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 26, 26A, 349, 495, 495A, 825, 825A, 901, 901A, 956, 1003, 1003A, 1004, 1008, 1008A, 1010, 1067, 1086, 1167, 1167A, 1200, 1221, 1234, 1234A, 1251, 1304, and LR 6CA.

RESOLUTION

LEGISLATIVE RESOLUTION 494. Read. Considered.

SENATOR CUDABACK PRESIDING

Senators Schimek and Bromm renewed their pending amendment, AM3344, found on page 1653.

Senators D. Pederson, Bohlke, and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

The Schimek-Bromm amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:

FA407

In Section 7(5) strike the phrase "legislator or member of Congress"

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LR 494, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 971:

(Amendment on file in the Clerk's office - Room 2018 – AM3372.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 501. Introduced by Connealy, 16.

WHEREAS, Clarence Schmitt of Wisner, Nebraska, has been named the 2000 Outstanding Older Adult for the State of Nebraska; and

WHEREAS, Mr. Schmitt was nominated by the Wisner Senior Center, earned the Outstanding Older Adult title for the northeast Nebraska district, and was then selected from a total of eight nominees by the Department of Health and Human Services Advisory Committee on Aging as the 2000 Outstanding Older Adult for the State of Nebraska; and

WHEREAS, Mr. Schmitt has a long record of community service and public service in the communities of Elgin and Wisner, including service in the Elgin Volunteer Fire Department, the Wisner-Pilger school board and the Cuming County committee for the reorganization of school districts, veterans' and civil defense organizations, community development and housing organizations in Wisner, the Wisner Medical Center, the Wisner Chamber of Commerce, St. Joseph Catholic Church, the Knights of Columbus, Meals on Wheels, and the Northeast Community College Board

of Governors; and

WHEREAS, Mr. Schmitt has twice been named Citizen of the Year by the Wisner Lions Club, has received the Community Enrichment Award by the CHIC organization, was Wisner's Outstanding Citizen at Norfolk's La Vitsef Festival, and was St. Patrick's Day Hibernian King in Wisner in 1986; and

WHEREAS, Mr. Schmitt and his wife Helen are the parents of three children and nine grandchildren.

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

1. That the Legislature congratulates Clarence Schmitt of Wisner on being named the 2000 Outstanding Older Adult for the State of Nebraska.
2. That a copy of this resolution be sent to Mr. and Mrs. Clarence Schmitt.

Laid over.

LEGISLATIVE RESOLUTION 502. Introduced by Price, 26.

WHEREAS, Lester and Violet Brady celebrated their 65th wedding anniversary on December 9, 1999; and

WHEREAS, Lester and Violet Brady grew up in Nebraska, were married in Lincoln in 1934, and, except for a brief period living out of state during World War II, have lived in Nebraska all their lives; and

WHEREAS, Lester and Violet Brady lived in Lincoln until 1961 when they moved to a farm in Lancaster County near Panama and Adams, were they currently reside; and

WHEREAS, Lester and Violet Brady, having no children of their own, have served as substitute parents and as positive role models for their 21 nieces and nephews and many cousins; and

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

1. That the Legislature congratulates Lester and Violet Brady on the occasion of their 65th wedding anniversary.
2. That a copy of this resolution be sent to Lester and Violet Brady.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2000, at 11:40 a.m., were the following: LBs 26, 26A, 349, 495e, 495Ae, 825e, 825Ae, 901, 901A, 956, 1003, 1003A, 1004, 1008e, 1008A, 1010, 1067e, 1086, 1167e, 1167Ae, 1200, 1221e, 1234, 1234A, 1251, and 1304.

(Signed) Diana Bridges
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 11, 2000, at 11:45 a.m., was the following: LR 6CA.

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

VISITORS

Visitors to the Chamber were 10 students and sponsors from St. John the Baptist School, Petersburg; 26 students and teachers from Karen Western Elementary School, Omaha; 55 fourth grade students and teachers from Norris Elementary School, Firth; Mark Sutko from Kearney and Lillian Kuhn from Central City; 13 seventh grade students and teachers from Elba Public School; and 24 fourth grade students and teacher from Palmer.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Aguilar who was excused; and Senators Bromm, Landis, and Lynch who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

REPORT OF THE EXECUTIVE BOARD2000 Resolutions calling for an Interim Study

- LR 447 Rereferred from Natural Resources to Transportation and Telecommunications/Natural Resources
- LR 498 Interim study relating to resolution of disputes involving the fairness of lease terms between agricultural tenants occupying lands owned by railroads
Agriculture
- LR 500 Interim study to examine whether the Nebraska Ethanol Board's

emphasis on opening new markets and promoting ethanol is an effective use of state resources
Natural Resources/Appropriations

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

MOTION - Override Veto on LB 1107

Senator Wickersham moved to override the veto of LB 1107.

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

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

Voting in the affirmative, 23:

Baker	Bohlke	Connealy	Coordsen	Cudaback
Dickey	Dierks	Hudkins	Janssen	Jones
Kremer	Lynch	Matzke	Price	Raikes
Robak	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Wickersham		

Voting in the negative, 23:

Beutler	Bourne	Brashear	Bromm	Brown
Bruning	Byars	Chambers	Crosby	Engel
Hilgert	Jensen	Kiel	Kristensen	Landis
Pedersen, Dw.	Pederson, D.	Quandahl	Redfield	Thompson
Tyson	Vrtiska	Wehrbein		

Present and not voting, 2:

Hartnett Preister

Excused and not voting, 1:

Aguilar

Having failed to receive a constitutional three-fifths majority voting in the

affirmative, the bill failed to pass notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 652

Senator Thompson moved to override the veto of LB 652.

SPEAKER KRISTENSEN PRESIDING

Senator Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

Senator Thompson requested a roll call vote.

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

Voting in the affirmative, 24:

Beutler	Bourne	Bruning	Connealy	Crosby
Cudaback	Hartnett	Hilgert	Hudkins	Janssen
Kiel	Landis	Lynch	Pedersen, Dw.	Preister
Price	Raikes	Redfield	Robak	Schimek
Schrock	Stuhr	Suttle	Thompson	

Voting in the negative, 18:

Brashear	Bromm	Chambers	Coordsen	Dickey
Dierks	Engel	Jensen	Jones	Kremer
Kristensen	Matzke	Pederson, D.	Quandahl	Smith
Tyson	Vrtiska	Wehrbein		

Present and not voting, 5:

Baker	Bohlke	Brown	Byars	Schmitt
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Excused and not voting, 2:

Aguilar	Wickersham
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Having failed to receive a constitutional three-fifths majority voting in the

affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

**SELECT COMMITTEE REPORT
Enrollment and Review**

Correctly Enrolled

The following resolution was correctly enrolled: LR 494.

(Signed) Adrian M. Smith, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 494. Introduced by Bromm, 23.

WHEREAS, the federal decennial census is currently being conducted; and

WHEREAS, the Nebraska Legislature is charged with redistricting the boundary lines for congressional, legislative, supreme court, public service commission, board of regents, and state board of education districts in Nebraska following the decennial census in the Ninety-seventh Legislature, First Session; and

WHEREAS, the Nebraska Legislature desires to outline a fair and open redistricting process, encouraging the input of all members of the Legislature; and

WHEREAS, the Nebraska Legislature seeks to encourage the input of the public in the redistricting process; and

WHEREAS, the Nebraska Legislature desires to set forth a plan for seeking to achieve the objectives stated in this resolution.

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

1. That the Legislature adopts the Nebraska Redistricting Resolution to establish the process that is intended to be followed in the redistricting process.

Section 1. This resolution shall be known and may be cited as the Nebraska Redistricting Resolution.

Sec. 2. For purposes of the Nebraska Redistricting Resolution, it is intended as follows:

- (1) Board means the Executive Board of the Legislative Council;
- (2) Director means the Director of Research of the Legislature or his or her designee;
- (3) Other district means a legislative district, supreme court judicial district, public service commission district, board of regents district, or state board of education district;
- (4) Redistricting process means the activities that relate to the redrawing of district boundaries for congressional districts and other districts

undertaken in conjunction with the federal decennial census; and

(5) Task force means the redistricting advisory task force established pursuant to section 3 of this resolution.

Sec. 3. (1) There is hereby established a redistricting advisory task force. The task force shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of the year following the year in which the federal government takes the decennial census. Members of the task force shall be appointed by the board at any time after the board has been reconstituted in January of the year following the year in which the federal government takes the decennial census. No more than five of the members appointed to the task force shall be of the same political party. The task force shall continue throughout the redistricting process and shall be reconstituted pursuant to this section in the event of a successful legal challenge to any part of the redistricting process.

(2) The task force shall be responsible for overseeing the redistricting process under the Nebraska Redistricting Resolution. Funds shall be expended for the purchase or lease of equipment and materials to be used for the redistricting process only with the prior approval of the chairperson of the board.

(3) At the first meeting of the task force, the members shall select from among themselves by majority vote one member to serve as chairperson of the task force and one member to serve as vice-chairperson of the task force.

(4) The task force shall receive staff support from the director.

Sec. 4. (1)(a) The Redistricting Task Force, created by LR 174 in 1999, which was continued by LR 297 in 2000, shall draft and recommend the substantive and procedural guidelines that will guide the Legislature's 2001 redistricting process. The substantive and procedural guidelines shall be formulated by the beginning of the 2001 legislative session and presented to the Legislative Council for its approval.

(b) In 2001, the task force established by this resolution shall, based upon the data received from the United States Bureau of the Census, compile statistics, redraw congressional district boundaries and other district boundaries, and prepare redistricting plans and maps reflecting the proposed new boundaries.

(2) The task force shall cause legislative bills to be introduced pertaining to the redistricting process during the first ten days of the legislative session. The plans shall be introduced as amendments to such bills pursuant to section 6 of this resolution.

(3) Nothing in the Nebraska Redistricting Resolution shall be construed to preclude a member of the Legislature from introducing a bill or an amendment pertaining to the redistricting process.

Sec. 5. (1) The director shall only provide such information regarding the plans as may be required by guidelines adopted by the task force to persons outside (a) his or her office and (b) the office of the Revisor of Statutes.

(2) A request to the director for the preparation of a redistricting plan by any member of the Legislature shall be confidential, and information related to such plan shall be released only by such member.

Sec. 6. (1) The task force shall prepare proposed plans for drawing congressional and other district boundaries. As soon as possible in conjunction with such plans, the task force shall make the following

available to the Legislature and to the public: (a) Copies of the amendments embodying the plans; (b) maps illustrating the plans; and (c) a statement that includes: (i) The ideal population of a congressional district and the other districts; (ii) the population of each congressional district and each other district created in the plans; and (iii) the percentage deviation from the ideal population of each proposed congressional district and each other district created in the plans.

(2) The task force shall then schedule and conduct at least one public hearing in each congressional district for the purposes of soliciting input on the proposed plans.

(3) Following the public hearings, the task force shall (a) cause to be made available transcripts of testimony received during the public hearings and (b) deliver its amendments embodying the plans to the legislative committee to which the bills were referred.

(4) The committee shall hold a public hearing on the amendments proposed by the task force.

Sec. 7. (1)(a) Boundaries of congressional districts and other districts shall be established on the basis of population and census geography.

(b) Congressional districts and other districts shall have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the most recent federal decennial census.

(c) The population of congressional districts and other districts shall not vary from the relevant ideal district populations except as allowed by subdivisions (d) and (e) of this subsection.

(d) No congressional district shall have a population which causes a plan to have a relative deviation in excess of plus or minus one-half percent, based on the ideal district population.

(e) No other district shall have a population which causes a plan to have a relative deviation in excess of the guidelines established by the task force.

(2) County lines shall be followed whenever practicable for boundaries of congressional districts and other districts. To the greatest extent possible, consistent with subsection (1) of this section, the boundaries shall coincide with the boundaries of cities and villages of the state.

(3) The number of counties, cities, and villages divided among more than one congressional district or other district shall be as small as possible. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, using visible, recognizable physical features which meet the requirements of the United States Bureau of the Census.

(4) Congressional districts and other districts shall be composed of contiguous and compact territory. Areas which meet only at the points of adjoining corners shall not be deemed contiguous.

(5) No congressional district or other district shall be drawn for the purpose of favoring a political party, an incumbent, or any other person or group or which results in the unlawful dilution of the voting strength of a language or racial minority group.

(6) In establishing congressional districts and other districts, the following data shall not be used:

- (a) Addresses of incumbents;
- (b) Political affiliations of registered voters; and
- (c) Demographic information, other than population head counts, and previous election results, except as required by the laws and Constitution of the United States.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 494.

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.

Board of Emergency Medical Services
Katherine Vasa

State Foster Care Review Board
Linda Lund
Sheila Heieck
Burrell Williams
Carole Douglas
Susan Gilmore

VOTE: Aye: Senators Jensen, Byars, Suttle, Thompson, Price, and Dickey.
Nay: None. Absent: Senator Tyson.

(Signed) Jim Jensen, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 922

Senators Cudaback and Suttle moved to override the gubernatorial veto of LB 922.

Senator Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Cudaback requested a roll call vote.

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

Voting in the affirmative, 24:

Baker	Beutler	Bourne	Brashear	Chambers
Connealy	Crosby	Cudaback	Hartnett	Hilgert
Janssen	Kiel	Kristensen	Landis	Lynch
Pedersen, Dw.	Preister	Price	Robak	Schimek
Schrock	Smith	Suttle	Thompson	

Voting in the negative, 20:

Bohlke	Bromm	Bruning	Byars	Coordsen
Dickey	Dierks	Engel	Hudkins	Jensen
Jones	Kremer	Matzke	Pederson, D.	Raikes
Schmitt	Stuhr	Tyson	Vrtiska	Wehrbein

Present and not voting, 2:

Brown Quandahl

Excused and not voting, 3:

Aguilar Redfield Wickersham

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

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 367.

MOTION - Override Veto on LB 717

Senator Preister moved to override the veto on LB 717.

Senator Preister moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Preister requested a roll call vote 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, 25:

Bourne	Brashear	Chambers	Connealy	Crosby
Cudaback	Hartnett	Hilgert	Janssen	Kiel
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Raikes	Robak
Schimek	Schmitt	Schrock	Suttle	Thompson

Voting in the negative, 17:

Baker	Bohlke	Bromm	Bruning	Byars
Coordsen	Dickey	Dierks	Hudkins	Jensen
Jones	Kremer	Quandahl	Smith	Tyson
Vrtiska	Wehrbein			

Present and not voting, 4:

Beutler	Brown	Engel	Stuhr
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Excused and not voting, 3:

Aguilar	Redfield	Wickersham
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 480

Senator Schimek moved to override the Governor's veto on LB 480.

Senator Schimek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 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:

Beutler	Bohlke	Bourne	Bromm	Brown
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Bruning	Byars	Chambers	Connealy	Coordsen
Crosby	Cudaback	Hartnett	Hilgert	Janssen
Kiel	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Preister	Price	Raikes	Robak
Schimek	Schmitt	Schrock	Stuhr	Suttle
Thompson	Wickersham			

Voting in the negative, 5:

Engel	Jones	Smith	Tyson	Wehrbein
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Present and not voting, 10:

Baker	Brashear	Dickey	Dierks	Hudkins
Jensen	Kremer	Pederson, D.	Quandahl	Vrtiska

Excused and not voting, 2:

Aguilar	Redfield
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Line-Item Veto on LB 480A

Senator Wehrbein moved to override the Governor's line-item veto of LB 480A.

Senator Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Wehrbein requested a roll call vote in reverse order.

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

Voting in the affirmative, 21:

Beutler	Bourne	Brashear	Chambers	Connealy
Crosby	Dierks	Hartnett	Hilgert	Janssen
Kiel	Kristensen	Lynch	Matzke	Preister
Price	Robak	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 23:

Baker	Bohlke	Bromm	Brown	Bruning
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Byars	Coordsen	Dickey	Engel	Hudkins
Jensen	Jones	Kremer	Landis	Pedersen, Dw.
Pederson, D.	Quandahl	Raikes	Schmitt	Smith
Stuhr	Tyson	Vrtiska		

Present and not voting, 3:

Cudaback	Schimek	Schrock
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Excused and not voting, 2:

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

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

MOTION - Override Veto on LB 1092

Senator Robak moved to override the Governor's veto of LB 1092.

Senator Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Robak moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Robak requested a roll call vote.

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

Voting in the affirmative, 25:

Beutler	Bohlke	Bourne	Chambers	Connealy
Cudaback	Dickey	Dierks	Hilgert	Janssen
Kiel	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Preister	Price	Robak	Schimek
Schmitt	Smith	Stuhr	Suttle	Thompson

Voting in the negative, 10:

Baker	Brashear	Bruning	Coordsen	Engel
Quandahl	Raikes	Tyson	Vrtiska	Wehrbein

Present and not voting, 11:

Bromm	Brown	Crosby	Hartnett	Hudkins
Jensen	Jones	Kremer	Pederson, D.	Schrock
Wickersham				

Excused and not voting, 3:

Aguilar	Byars	Redfield
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 1092A

Senator Robak moved to override the Governor's veto of LB 1092A.

Senator Robak withdrew her motion to override.

MOTION - Override Veto on LB 289

Senator Cudaback moved to override the Gubernatorial veto of LB 289.

Senator Cudaback withdrew his motion to override.

COMMUNICATIONS

April 11, 2000

The Honorable Scott Moore
 Secretary of State
 2300 State Capitol Building
 Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 1107, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 652, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 652A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 922, and consistent with our rules, I am delivering the bill for

filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 922A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 717, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 717A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 480 with a certificate attached thereto signed by the Speaker of the Legislature certifying the passage of LB 480, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 480, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 2000.

(Signed) Douglas Kristensen
Speaker of the Legislature

COMMUNICATIONS

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 480A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 1092, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 1092A, 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:jk

RESOLUTION

LEGISLATIVE RESOLUTION 503. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39.

PURPOSE: The purpose of this resolution is to study the potential mechanisms, other than the authority to assess fines, for (1) returning inappropriate or excessive telecommunications charges to ratepayers and (2) returning ratepayer dollars when there are deficiencies in quality or service.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion 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 seniors and teacher from Lincoln High School; 55 fourth grade students and teachers from Norris Elementary School, Firth; Gennine Diddier from Bellwood; and 104 eighth grade students and teacher from St. Margaret Mary School, Omaha.

ADJOURNMENT

At 6:28 p.m., on a motion by Senator Tyson, the Legislature adjourned until 9:00 a.m., Wednesday, April 12, 2000.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 12, 2000

LEGISLATIVE JOURNAL

**NINETY-SIXTH LEGISLATURE
SECOND SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 12, 2000

PRAAYER

The prayer was offered by Senator Crosby.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Dierks, Landis, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

COMMUNICATIONS

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 289e, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 11, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 289Ae, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

MESSAGES FROM THE GOVERNOR

April 11, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 833 and 833A were received in my office on April 10, 2000; Engrossed Legislative Bills 26, 26A, 349, 495, 495A, 825, 825A, 901, 901A, 1003, 1003A, 1004, 1008A, 1010, 1067, 1086, 1167, 1167A, 1200, 1221, 1234, 1234A, 1251, and 1304 were received on April 11, 2000.

These bills were signed by me on April 11, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 11, 2000

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

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 1008 with my signature but with a line-item reduction.

I am reducing the General Fund appropriation by \$40,000 in FY 2000-01. This same amount is included in LB 1008A.

With the additional funding provided in LB 1008A, the Commission on Law Enforcement and Criminal Justice will have available \$200,000 required to complete the criminal homicide study this biennium, plus the on-going funding necessary to update the study.

I urge you to sustain this reduction to LB 1008.

Sincerely,
(Signed) Mike Johanns
Governor

April 11, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 956 without my signature and with my objections.

LB 956 would provide for salary increases for the State's constitutional officers. The Governor's salary would be increased, effective January 9, 2003, by thirty-one percent. I appreciate your willingness to examine the salary levels of Nebraska constitutional officers as compared to officeholders of other states. At a time, however, when I have vetoed many meritorious proposals due to our current budget constraints, I cannot in good conscience agree to raise my salary, along with those of other constitutional officers.

For these reasons, I urge you to sustain this reduction to LB 956.

Sincerely,
(Signed) Mike Johanns
Governor

BILLS ON FINAL READING

The following bills were read and put on final passage:

LEGISLATIVE BILL 659.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,101, 83-162.04, and 83-162.06, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1999; to change provisions relating to the Compulsive Gamblers Assistance Fund; to provide for transfers; 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:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Janssen	Jensen
Jones	Kiel	Kremer	Kristensen	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein	Wickersham			

Voting in the negative, 1:

Price

Present and not voting, 5:

Beutler	Coordsen	Hudkins	Preister	Vrtiska
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Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 659A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 659, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 44:

Aguilar	Baker	Bohlke	Bourne	Brashear
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Bromm	Bruning	Byars	Chambers	Connealy
Coordsen	Crosby	Cudaback	Dickey	Dierks
Engel	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Price

Present and not voting, 3:

Beutler Brown Preister

Excused and not voting, 1:

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 819 with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 819.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 20-162, 30-3402, 37-1254.06, 44-526, 44-771, 44-772, 44-782, 44-2806, 44-2827.01, 60-4,164.01, 60-6,201, 60-6,202, 60-6,204, 68-1019.02, 68-1202, 69-2507, 71-1,147.15, 71-2049, 71-2079, 71-2084, 71-20,112, 71-3608, 71-3613, 71-5033, 71-6012, 71-6016, 71-6021, 71-6023, 71-6037, 71-6044, 71-6049, 71-6051, 71-6052, 71-6615, 71-6826, 71-7702, 76-1304, 77-2702.14, 77-2702.15, 77-2704.12, 77-3504, 81-604.01, 81-2210, 81-2243, 81-3201, and 83-392, Reissue Revised Statutes of Nebraska, sections 28-326, 68-1038, 71-168.02, 71-1,147.08, 71-1,147.35, 71-1,341, 71-511, 71-533, 71-1637, 71-2048.01, 71-2097, 71-20,103, 71-20,115, 71-20,116, 71-2411, 71-5803.01, 71-5803.02, 71-5803.05, 71-5803.08 to 71-5803.11, 71-5803.13, 71-5803.15, 71-5869, 71-6043, 71-6050, 71-6602, 71-6721, 71-6725, 71-6735, 71-7102, 71-7901, 71-8219, and 81-651, Revised Statutes Supplement, 1998, and sections 28-414, 44-793, 68-1006.01, 71-185.01, 71-1,103, 71-1,142, 71-1,147.09,

71-1,147.10, 71-1,200, 71-507, 71-2601, 71-51,102, 71-6053, 71-7613, 71-8507, and 81-502, Revised Statutes Supplement, 1999; to adopt the Health Care Facility Licensure Act; to change and eliminate provisions relating to licensing and regulating health care facilities and services; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 71-1,147.01, 71-1,147.04 to 71-1,147.07, 71-1,147.12, 71-2017.03, 71-2017.04, 71-2017.06, 71-2018, 71-2020, 71-2021, 71-2021.02, 71-2022, 71-2023.01 to 71-2023.07, 71-2026 to 71-2029, 71-5901, 71-5902, 71-5904 to 71-5909, 71-6018, 71-6024 to 71-6036, 71-6609, 71-6614, 71-7801, 71-7802, and 71-7805, Reissue Revised Statutes of Nebraska, sections 71-1,147.03, 71-2017, 71-2017.07, 71-2021.01, 71-2023, 71-2024, 71-20,117, 71-5903, 71-7804, and 71-7806, Revised Statutes Supplement, 1998, sections 71-1,147.02, 71-1,147.11, 71-2017.01, 71-20,118, 71-20,119, and 71-7803, Revised Statutes Supplement, 1999, section 71-1,147.08, Revised Statutes Supplement, 1998, as amended by section 88 of this legislative bill, and sections 71-1,147.09 and 71-1,147.10, Revised Statutes Supplement, 1999, as amended by sections 89 and 90 of this legislative bill.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 1:

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 819A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 819, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 2:

Connealy Lynch

Excused and not voting, 1:

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 925 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 925.

A BILL FOR AN ACT relating to child care; to amend sections 68-1723, 77-908, 77-2717, and 77-3806, Reissue Revised Statutes of Nebraska, sections 68-1713, 77-2701, and 77-2734.03, Revised Statutes Supplement, 1998, and section 77-2715.07, Revised Statutes Supplement, 1999; to

change cash assistance exemption provisions under the Welfare Reform Act; to provide a tax credit for business child care expenditures; to harmonize provisions; to provide operative dates; 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, 34:

Aguilar	Baker	Bohlke	Bourne	Brashear
Brown	Bruning	Byars	Connealy	Crosby
Cudaback	Dickey	Dierks	Hartnett	Hilgert
Hudkins	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	

Voting in the negative, 14:

Beutler	Bromm	Chambers	Coordsen	Engel
Janssen	Jensen	Matzke	Pederson, D.	Raikes
Schmitt	Vrtiska	Wehrbein	Wickersham	

Excused and not voting, 1:

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 925A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 880, section 103; to appropriate funds to aid in carrying out the provisions of Legislative Bill 925, Ninety-sixth Legislature, Second Session, 2000; to reduce certain appropriations; 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, 35:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Crosby	Cudaback	Dickey	Dierks	Hartnett
Hilgert	Hudkins	Janssen	Jones	Kiel
Kristensen	Landis	Lynch	Pedersen, Dw.	Preister

Price Smith	Quandahl Stuhr	Redfield Suttle	Schimek Thompson	Schrock Tyson
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Voting in the negative, 10:

Beutler Matzke	Chambers Pederson, D.	Coordsen Raikes	Engel Schmitt	Jensen Wickersham
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Present and not voting, 3:

Kremer	Vrtiska	Wehrbein
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Excused and not voting, 1:

Robak

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

ANNOUNCEMENT

The Chair announced today is Senator Cudaback'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 932 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 932. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-148.07, 8-301, 8-305, 8-317, 8-331, 8-334, 8-336, 8-340, 8-345.01, 8-346, 8-1103, 8-1111, 8-1120, 8-1502, 21-1701, 21-1767, 21-1768, 30-3205, 45-116, 45-205, 45-337, 45-717, 45-919, 72-1263, 72-1264, 77-2327, 77-2386, 77-2390, 77-2395, and 81-885.21, Reissue Revised Statutes of Nebraska, sections 8-101, 8-205, 8-223, 8-910, and 77-2387, Revised Statutes Supplement, 1998, and sections 8-157.01, 8-1,140, 8-355, 8-602, 21-17,115, 45-137, and 77-2391, Revised Statutes Supplement, 1999; to revise the powers of bank subsidiary corporations, state-chartered banks, building and loan associations, and credit unions; to change provisions relating to automatic teller machines, the Nebraska Trust Company Act, building and loan companies, department fees, the Nebraska Bank Holding Company Act of 1995, the Securities Act of Nebraska, acquisitions and mergers, the Credit Union Act, investments by fiduciaries, installment loans, revolving charge agreements, installment sales, the Mortgage Bankers Registration and Licensing Act, the Delayed Deposit Services Licensing

Act, the deposit of public funds, and real estate trust accounts; to require a fidelity bond from credit unions; to eliminate provisions relating to foreign building and loan associations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 8-342 to 8-345, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 1:

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 972 with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 972. With Emergency.

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, and sections 43-3341, 43-3342, 43-3344, 43-3346, and 43-3347, Revised Statutes Supplement, 1999; to implement support payments through the State Disbursement Unit and the Title IV-D Division as prescribed; to establish a Customer Service Unit; to create the State Disbursement Advisory Commission; to provide a fee for insufficient funds checks; to provide powers and duties; to define terms; to rename a fund; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

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 972A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 972, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Robak

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

MOTION - Bracket LB 1021

Senator Bruning moved to bracket LB 1021 until April 12, 2000.

Senator Bruning withdrew his motion to bracket.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1021.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1403, 49-1423, 49-1483, 49-1490, and 49-1496, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1999; to define and redefine terms; to change provisions relating to filings required by lobbyists and principals, gifts from lobbyists and principals, and statements of financial interests; to require reporting of certain gifts; to provide penalties; to provide for rules and regulations; to harmonize provisions; to provide operative dates; 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:

Aguilar	Beutler	Bohlke	Bourne	Brashear
Bromm	Brown	Byars	Chambers	Connealy
Coordsen	Cudaback	Dickey	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Kiel	Kremer	Kristensen	Landis	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 6:

Baker	Bruning	Crosby	Jones	Lynch
Tyson				

Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 1025.

A BILL FOR AN ACT relating to nursing; to adopt the Nebraska Center for Nursing 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, 46:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 2:

Beutler Hartnett

Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 1025A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1025, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 45:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hilgert	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Landis
Lynch	Matzke	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schmitt	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 3:

Beutler Hartnett Kristensen

Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 1101.

A BILL FOR AN ACT relating to older persons; to amend section 81-2210, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Senior Companion Volunteer Program 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, 48:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 1101A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1101, Ninety-sixth Legislature, Second Session, 2000.

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

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock

Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Robak

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

LEGISLATIVE BILL 1107A.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-1590, Revised Statutes Supplement, 1999; to authorize in lieu of tax payments for Indian housing authorities as prescribed; to define terms; to provide powers; and to repeal the original section.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 1:

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 1115 with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1115. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 18-1738, 37-1254.06, 48-1903, 60-4,164.01, 60-6,201, 60-6,202, 60-6,204, 68-1050, 71-1,132.07, 71-1,132.08, 71-1,143, 71-1,147.01, 71-1,160, 71-1704 to 71-1708, 71-1709.01 to 71-1710, 71-1712, 71-1714, 71-1716 to 71-1716.03, 71-1716.05, 71-1717, 71-1718.01, 71-1718.02, 71-1721, 71-1721.07, 71-1723 to 71-1727, 71-1775, 71-1776, 71-1777, 71-1780, 71-1781, 71-1784, 71-3515.02, 71-4401, 71-5303, 71-5306, 71-5652, and 79-221, Reissue Revised Statutes of Nebraska, sections 68-1021, 71-168.02, 71-1,147.57, 71-1,147.58, 71-1,198, 71-1,339, 71-541, 71-1722, 71-1778, 71-2610.01, 71-3505, 71-5191, 71-5653, 71-5662, 71-5663, 71-5665, 71-5668, 71-8207, and 79-214, Revised Statutes Supplement, 1998, and sections 28-405, 44-2847, 71-168, 71-1,103, 71-1,132.11, 71-1735, 71-1774, 71-1913.01, 71-3507, 71-5707, 79-11,145, 79-11,146, and 79-11,149, Revised Statutes Supplement, 1999; to change provisions relating to schedules of controlled substances, medical review panels, medical assistance, managed care, veterinarians, advanced registered nurse practitioners, licensed practical nurses-certified, radiography, rabies vaccination and control, public water supply regulation, the Rural Health Systems and Professional Incentive Act, the Nebraska Clean Indoor Air Act, and the Community-Based Neurobehavioral Action Plan Act; to repeal the Clinical Laboratories Certification Act and a prohibition on gifts as prescribed; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-6802 to 71-6815.01, 71-6817 to 71-6831, and 83-120, Reissue Revised Statutes of Nebraska, and sections 71-6801 and 71-6816, 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield

Schimek	Schmitt	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Landis

Present and not voting, 1:

Kristensen

Excused and not voting, 1:

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 1116 with 40 ayes, 2 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1116.

A BILL FOR AN ACT relating to cities; to amend sections 3-503, 3-706, 13-316, 13-510, 13-918, 14-501 to 14-504, 15-1026, and 18-2716, Reissue Revised Statutes of Nebraska, section 77-3523, Revised Statutes Supplement, 1998, and sections 13-503, 13-511, and 14-512, Revised Statutes Supplement, 1999; to provide for biennial budgeting in cities of the metropolitan and primary classes; to define terms; to eliminate obsolete provisions relating to fire and police pension funds; 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, 48:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Crosby	Cudaback
Dickey	Dierks	Engel	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kiel
Kremer	Kristensen	Landis	Lynch	Matzke

Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schmitt	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

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 1223.

A BILL FOR AN ACT relating to the Beginning Farmer Tax Credit Act; to amend section 77-2717, Reissue Revised Statutes of Nebraska, section 77-2734.03, Revised Statutes Supplement, 1998, and sections 77-5203, 77-5204, and 77-5209 to 77-5211, Revised Statutes Supplement, 1999; to change provisions relating to reports and qualification for tax credits; 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:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Preister
Price	Quandahl	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Kiel	Pederson, D.	Raikes	Suttle
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Excused and not voting, 1:

Robak

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

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1223A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1223, Ninety-sixth Legislature, Second Session, 2000.

Whereupon the 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:

Aguilar	Baker	Bohlke	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Coordsen	Crosby	Cudaback	Dickey	Dierks
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Landis	Lynch
Matzke	Pedersen, Dw.	Price	Quandahl	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Engel	Kiel	Pederson, D.	Preister
Raikes	Suttle			

Excused and not voting, 2:

Connealy Robak

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

LEGISLATIVE BILL 1279. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-502, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Budget Act and homestead exemptions; 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, 39:

Aguilar	Baker	Beutler	Bohlke	Brashear
Bromm	Brown	Bruning	Byars	Coordsen
Cudaback	Dickey	Dierks	Engel	Hartnett
Hudkins	Janssen	Jones	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 6:

Bourne	Chambers	Hilgert	Kiel	Suttle
Thompson				

Present and not voting, 2:

Crosby	Jensen
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Excused and not voting, 2:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1361 with 36 ayes, 2 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1361.

A BILL FOR AN ACT relating to transportation; to amend sections 60-625, 60-680, 60-6,133, 60-6,232, 60-6,289, 60-6,290, 60-6,294, 60-6,298, and 60-6,301, Reissue Revised Statutes of Nebraska, and sections 60-6,288, 75-363, and 75-364, Revised Statutes Supplement, 1999; to change provisions relating to the Nebraska Rules of the Road, motor carrier safety regulations, and hazardous material regulations; to prohibit the use of engine brakes and change passing requirements as prescribed; to change and eliminate size, weight, and length limitations, overload exceptions, and permit provisions; to define a term; to change effective dates; to harmonize

provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Connealy 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 1410. With Emergency.

A BILL FOR AN ACT relating to Nebraska history; to amend section 90-404, Reissue Revised Statutes of Nebraska; to authorize the Game and Parks Commission to accept a gift of real estate for Arbor Lodge State Historical Park; to establish the Nebraska Lewis and Clark Bicentennial Commission; to create a fund; to provide 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, 44:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen

Landis	Lynch	Matzke	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Kiel	Pederson, D.	Preister
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Excused and not voting, 2:

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

LEGISLATIVE BILL 1410A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1410, Ninety-sixth Legislature, Second Session, 2000; 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:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Landis
Lynch	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Kiel	Kristensen	Pederson, D.
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Excused and not voting, 2:

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

WITHDRAW - Motion to LB 1213

Senator Brashear withdrew his motion, found on page 1692 and considered on page 1693, to return LB 1213 to Select File for his specific amendment, FA405.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1213.

A BILL FOR AN ACT relating to schools; to amend section 79-1029, Revised Statutes Supplement, 1999; to change provisions relating to growth rate override elections; to provide for lump-sum payments; and to repeal the original section.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Coordsen	Crosby	Cudaback	Dickey
Dierks	Engel	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kiel	Kremer
Kristensen	Landis	Lynch	Matzke	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schmitt	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Connealy Robak

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

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Department of Administrative Services - Program 173 - Division of Communications - FY 99
 Department of Banking and Finance - FY 99
 Board of Educational Lands and Funds - FY 99
 Health and Human Services System Divisions: 27 Aging Services, 82 Aging Care Management/Senior Care, and 83 Aging Services Aid - FY 99
 Health and Human Services System - Regional Centers - FY 99
 Department of Insurance - FY 99
 Department of Labor - Program 194 - Division for Protection of People and Property - FY 99
 Library Commission - FY 99
 Coordinating Commission for Postsecondary Education - FY 99
 Real Estate Commission - FY 99
 Public Employees Retirement Systems - School Employees, Judges and State Patrol Retirement Plans - FY 99
 Department of Revenue - Homestead Exemption Distributions Advisory Letter - 10/99
 State Property Damage Program - Highway Safety Division - Department of Roads, Specific Procedures Report - 7/1/98-11/30/99
 Rural Development Commission - FY 99
 University of Nebraska - FY 99
 Commission on the Status of Women - FY 99
 State of Nebraska Statewide Single Audit - FY 99

Revenue, Department of

Charitable Gaming Division 1999 Annual Report

REPORT OF THE EXECUTIVE BOARD2000 Resolution calling for an Interim Study

LR 503 Interim study to examine mechanisms for returning inappropriate or excessive telecommunications charges to ratepayers
 Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

REPORT OF REGISTERED LOBBYISTS

The following is a list of all lobbyists who have registered as of April 11, 2000, 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 - Lincoln; Kelley, Lehan & Hall, P.C.
 Scherling, Mary Jane - Lincoln; Nebraska Nurses Association (Withdrawn
 04/05/2000)

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 659, 659A, 819, 819A, 925, 925A, 932, 972, 972A, 1021, 1025, 1025A, 1101, 1101A, 1107A, 1115, 1116, 1223, 1223A, 1279, 1361, 1410, 1410A, and 1213.

RESOLUTION

LEGISLATIVE RESOLUTION 499. Read. Considered.

LR 499 was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SENATOR KIEL PRESIDING

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTIONS - Approve Appointments

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 1498: Nebraska Advisory Commission on Compulsive Gambling - Jerry Bauerkemper, Thomas L. Nutt, and Judy Streeks.

Senator 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:

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 1498: Nebraska Advisory Commission on Compulsive Gambling - Jerry Bauerkemper and Thomas L. Nutt.

Voting in the affirmative, 26:

Aguilar	Baker	Bohlke	Bruning	Byars
Crosby	Dickey	Dierks	Engel	Hudkins
Janssen	Jensen	Landis	Lynch	Matzke
Pedersen, Dw.	Pederson, D.	Price	Quandahl	Redfield

Schmitt	Stuhr	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 2:

Chambers	Hilgert
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Present and not voting, 18:

Bourne	Brashear	Bromm	Brown	Coordsen
Cudaback	Hartnett	Jones	Kiel	Kremer
Kristensen	Preister	Raikes	Schimek	Schrock
Smith	Suttle	Vrtiska		

Excused and not voting, 3:

Beutler	Connealy	Robak
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The appointments were confirmed with 26 ayes, 2 nays, 18 present and not voting, and 3 excused and not voting.

The second division is as follows:

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 1498: Nebraska Advisory Commission on Compulsive Gambling - Judy Streeks.

Voting in the affirmative, 27:

Aguilar	Baker	Bohlke	Bruning	Byars
Chambers	Crosby	Dierks	Engel	Hartnett
Hudkins	Janssen	Jones	Landis	Matzke
Pedersen, Dw.	Pederson, D.	Price	Quandahl	Redfield
Schimek	Schmitt	Smith	Suttle	Thompson
Tyson	Wehrbein			

Voting in the negative, 0.

Present and not voting, 19:

Bourne	Brashear	Bromm	Brown	Coordsen
Cudaback	Dickey	Hilgert	Jensen	Kiel
Kremer	Kristensen	Lynch	Preister	Raikes
Schrock	Stuhr	Vrtiska	Wickersham	

Excused and not voting, 3:

Beutler	Connealy	Robak
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The appointment was confirmed with 27 ayes, 0 nays, 19 present and not

voting, and 3 excused and not voting.

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 1499: Nebraska Arts Council - Thompson Rogers.

Voting in the affirmative, 30:

Aguilar	Baker	Bohlke	Bromm	Bruning
Byars	Crosby	Dickey	Dierks	Engel
Hartnett	Hudkins	Janssen	Jones	Kremer
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schmitt	Smith	Thompson	Tyson

Voting in the negative, 1:

Chambers

Present and not voting, 15:

Bourne	Brashear	Brown	Coordsen	Cudaback
Hilgert	Jensen	Kiel	Kristensen	Schrock
Stuhr	Suttle	Vrtiska	Wehrbein	Wickersham

Excused and not voting, 3:

Beutler	Connealy	Robak
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The appointment was confirmed with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 1659: Nebraska Information Technology Commission - H. H. "Hod" Kosman and Pamela Vanlandingham.

Senator 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:

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointment found on page 1659: Nebraska Information Technology Commission - Pamela Vanlandingham.

Voting in the affirmative, 32:

Aguilar	Baker	Brashear	Bromm	Bruning
Byars	Chambers	Connealy	Coordsen	Crosby
Dierks	Engel	Jones	Kremer	Landis
Matzke	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Wickersham			

Voting in the negative, 0.

Present and not voting, 15:

Bohlke	Bourne	Brown	Cudaback	Dickey
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Kiel	Kristensen	Lynch	Vrtiska	Wehrbein

Excused and not voting, 2:

Beutler	Robak
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The appointment was confirmed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The second division is as follows:

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointment found on page 1659: Nebraska Information Technology Commission - H. H. "Hod" Kosman.

Voting in the affirmative, 31:

Aguilar	Baker	Brashear	Bromm	Bruning
Byars	Connealy	Coordsen	Crosby	Dickey
Dierks	Engel	Hartnett	Hudkins	Jones
Kremer	Landis	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson				

Voting in the negative, 1:

Chambers

Present and not voting, 15:

Bohlke	Bourne	Brown	Cudaback	Hilgert
Janssen	Jensen	Kiel	Kristensen	Lynch
Price	Schmitt	Vrtiska	Wehrbein	Wickersham

Excused and not voting, 2:

Beutler Robak

The appointment was confirmed with 31 ayes, 1 nay, 15 present and not voting, and 2 excused and not voting.

Senator Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 1683: Dry Bean Commission - David Howell.

Voting in the affirmative, 32:

Baker	Brashear	Brown	Bruning	Byars
Connealy	Crosby	Dierks	Engel	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kremer
Landis	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein	Wickersham			

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Aguilar	Bohlke	Bourne	Bromm	Coordsen
Cudaback	Dickey	Jones	Kiel	Kristensen
Pederson, D.	Schrock	Vrtiska		

Excused and not voting, 3:

Beutler Lynch Robak

The appointment was confirmed with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 1683: Nebraska Accountability and Disclosure Commission - Napoleon Agonor, Marilee Fredrickson, and Nancy Reckewey.

Voting in the affirmative, 31:

Baker	Bromm	Brown	Bruning	Byars
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Chambers	Crosby	Dickey	Dierks	Engel
Hartnett	Hilgert	Janssen	Jensen	Kremer
Landis	Matzke	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schmitt
Smith	Stuhr	Suttle	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 15:

Aguilar	Bohlke	Bourne	Brashear	Connealy
Coordsen	Cudaback	Hudkins	Jones	Kiel
Kristensen	Pederson, D.	Schrock	Thompson	Vrtiska

Excused and not voting, 3:

Beutler	Lynch	Robak
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The appointments were confirmed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1733: Board of Emergency Medical Services - Katherine Vasa; and State Foster Care Review Board - Linda Lund, Sheila Heieck, Burrell Williams, Carole Douglas, and Susan Gilmore.

Voting in the affirmative, 27:

Aguilar	Brashear	Bruning	Byars	Chambers
Connealy	Crosby	Dickey	Dierks	Engel
Hudkins	Janssen	Jensen	Jones	Kremer
Matzke	Pedersen, Dw.	Price	Quandahl	Raikes
Redfield	Schmitt	Stuhr	Suttle	Tyson
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 18:

Baker	Bohlke	Bourne	Bromm	Brown
Coordsen	Cudaback	Hilgert	Kiel	Kristensen
Landis	Pederson, D.	Preister	Schimek	Schrock
Smith	Thompson	Vrtiska		

Excused and not voting, 4:

Beutler Hartnett Lynch Robak

The appointments were confirmed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 2000, at 11:40 a.m., were the following: LBs 659, 659A, 819, 819A, 925, 925A, 932e, 972e, 972A, 1021, 1025, 1025A, 1101, 1101A, 1107A, 1115e, 1116, 1223, 1223A, 1279e, 1361, 1410e, 1410Ae, and 1213.

(Signed) Diana Bridges
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 100 juniors, seniors, and teacher from Beatrice High School; 21 fourth grade students and teacher from Humphrey St. Francis School; 53 fourth grade students and teachers from Meadows Elementary School, Omaha; 50 students and teachers from West Point Central Catholic High School; 31 fourth grade students and teachers from Anderson Grove Elementary School, Omaha; and Jodi Rumbeck and Meg Cuca from Lincoln.

RECESS

At 11:55 a.m., on a motion by Senator 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 Senators Coordsen, Dickey, Jones, Landis, Robak, and Wickersham who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 496. Read. Considered.

LR 496 was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 501. Read. Considered.

LR 501 was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 502. Read. Considered.

LR 502 was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 504. Introduced by Stuhr, 24.

WHEREAS, the Heartland Community School's Future Business Leaders of America (FBLA) members won fifty-one state awards on April 6-9, 2000, in the Nebraska State Competition; and

WHEREAS, the Heartland Community School's FBLA competed with over 1,600 students from 100 schools of all classes across Nebraska; and

WHEREAS, seven members, Andrew Watt, Adam Eck, Kami Hoffman, Matt Regier, Kristi Zierott, Tom Crosby, and Shay Graves, have earned the right to compete in the national competition in Long Beach, California, this summer; 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, SECOND 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.

MOTION - Suspend Rules

Senator Hudkins moved to suspend the rules, Rule 4, Sec. 6, to permit consideration of LR 504.

The Hudkins motion to suspend the rules prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 504. Read. Considered.

LR 504 was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Override Veto on LB 956

Senator Kristensen moved to override the Governor's veto of LB 956.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bohlke	Bourne
Brashear	Bromm	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Cudaback	Dickey
Dierks	Engel	Hartnett	Hudkins	Janssen
Jensen	Jones	Kiel	Kremer	Kristensen
Landis	Lynch	Matzke	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Crosby

Present and not voting, 2:

Hilgert Schmitt

Excused and not voting, 1:

Robak

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 496, 499, 501, 502, and 504.

MOTION - Override Line-Item Veto on LB 1399A

Senator Thompson moved to override the Governor's line-item veto of LB 1399A.

Senator Thompson withdrew her motion to override.

COMMUNICATION

April 12, 2000

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 956 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 956, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 956, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 12th day of April 2000.

(Signed) David I. Maurstad
President of the Legislature

COMMUNICATIONS

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 171, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell

1780

LEGISLATIVE JOURNAL

Clerk of the Legislature

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 1401, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 1401A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor

Johanns of LB 414, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 414A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 1363A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol

Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 957A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 1008, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 1399A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

April 12, 2000

The Honorable Donald Stenberg
Attorney General
2115 State Capitol
Lincoln, NE 68509

Dear Mr. Stenberg:

Enclosed, please find a copy of LR 499, which was adopted by the Legislature on April 12, 2000. As set forth in the resolution, the Legislature is requesting that you prepare and file the appropriate action to obtain compliance by Judge Silverman with Section 29-1401, or provide a declaratory judgment that would determine the validity of Section 29-1401.

Please feel free to contact me should you have any questions.

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

PJO:jk
Enc.

MESSAGE FROM THE SECRETARY OF STATE

April 12, 2000

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This is a letter to acknowledge I have received on April 3, 2000, LB 1217, your cover letter dated April 3, 2000 and a Certificate signed by David I. Maurstad, President of the Legislature, the contents of which are as follows:

Legislative Bill 1217, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by Constitutional majority has overridden said line-item vetoes, as follows:

1. The following sections for Mental Health provider rates:
 - a. Section 19, program 34 Alcohol/Drug Addiction Aid
 - b. Section 21, program 347 Public Assistance
 - c. Section 22, program 348 Medical Assistance
 - d. Section 23, program 366 Community Mental Health--Aid
2. Section 24, for Region VI Hospital reimbursement, MH services.

VISITORS

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

MOTION - Notify Governor

Senator Kiel moved that a committee of five be appointed to notify the Governor that the Ninety-Sixth Legislature, Second 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 Senators Landis, Brown, Raikes, D. Pederson, and Wehrbein to serve on said committee.

The committee returned and escorted Governor Mike Johanns to the rostrum where he delivered a message to the members.

The committee escorted the Governor from the Chamber.

MOTION - Disposition of Bills

Senator Schmitt moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Senator Bohlke 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.

MOTION - Adjourn Sine Die

Senator Crosby moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Sixth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 3:12 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT**LEGISLATIVE JOURNAL****NINETY-SIXTH LEGISLATURE
SECOND SESSION****MESSAGE FROM THE GOVERNOR**

April 13, 2000

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

Dear Mr. President and Members of the Legislature:

I am returning LB 925 and LB 925A without my signature and with my objections.

As you know, my hesitation to propose or support any new child care initiatives that have a fiscal impact this year has been occasioned by the very tight financial situation we currently face. A business tax credit for providing or subsidizing child care for employees fits within the recommendations of the report issued by my Business Council on Child Care Financing. Although I had hoped that we would take a more comprehensive look at options for child care financing in the context of the next legislative session, I would have been inclined to sign the bill if it had contained the business credit alone and had proved feasible under the financial picture presented by this year's overall legislative package. With the addition, however, of the LB 914 provisions, I am unable to approve the bill. Extending the time for welfare parents to stay home after the birth of their child from twelve weeks to twelve months before going to work or to job training is not consistent with either Nebraska's goal to break the welfare cycle or with the type of maternity leave provided to the majority of Nebraska working families. To the contrary, LB 925 turns back the clock on Nebraska's welfare reform efforts.

I look forward to working with you further to evaluate viable options for child care financing for Nebraska.

Sincerely,
(Signed) Mike Johanns
Governor

April 13, 2000

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 659, 659A 819, 819A, 932, 972, 972A, 1021, 1025, 1025A, 1101, 1101A, 1107A, 1115, 1116, 1223, 1223A, 1279, 1361, 1410, 1410A, and 1213 were received in my office on April 12, 2000.

These bills were signed by me on April 13, 2000, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

Single Family Housing Revenue Bonds Series 1998 CDE&F and General
Obligation Bonds Series 1998 G.O.-3

Single Family Housing Revenue Bonds Series 1999 D and General
Obligation Bonds Series 1999 G.O.-6

Single Family Housing Revenue Bonds Series 1999 E and General
Obligation Bonds Series 1999 G.O.-8

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Ninety-Sixth Legislature, Second Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 17, 2000
Lincoln, Nebraska